

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
JANUARY 26, 2004**

The Regular Town Board Meeting was opened at 7:43 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
Suzanne Barclay, Executive Asst. to Supvr.
James Riley, Town Attorney
Thomas O'Connell, Deputy Town Attorney
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways
Jaya Bhattacharyya, Dept. of Environmental Mgt. & Eng.
Kevin Nulty, Chief of Police
Terrence Sullivan, Police Captain
Robert Simon, Receiver of Taxes
John Giardiello, Director, OBZPAE
Richard Rose, Superintendent of Parks, Rec. & Bldg. Maint.).

* * *

RESOLUTION NO. 78

ENTER RTBM

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

RESOLVED, that the Town Board entered a Regular Town Board Meeting at 7:14 p.m.

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

* * *

RESOLUTION NO. 79

ENTER EXECUTIVE SESSION

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

RESOLVED, that the Town Board entered Executive Session at 7:15 p.m. to discuss litigation items.

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

* * *

RESOLUTION NO. 80

RE-ENTER RTBM

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

RESOLVED, that the Town Board re-enter the Regular Town Board Meeting at 8:35 p.m.

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

* * *

The Orangetown Police Honor Guard presented arms for the Pledge of Allegiance to the Flag.

* * *

Supervisor Kleiner announced the police department promotions and recognized Chief Nulty who congratulated the two men and all those who took part in the promotion process. Chief Nulty summoned Sergeant Donald Butterworth and PO Robert Ruggiero, as well as their families, to participate in the promotion ceremony. Kerri Lynne Schiller and Kevin Drain, upon completion of pending Civil Service certifications and background check, were nominated for the Orangetown Police Department. Charlotte Madigan, Town Clerk, administered the Oath of Office to Lt. Butterworth and Sgt. Ruggiero. The Town Board congratulated both men for their diligence and dedication to the Town of Orangetown.

* * *

RESOLUTION NO. 81

**POLICE PROMOTION
LIEUTENANT BUTTERWORTH**

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

RESOLVED, that Sergeant Donald Butterworth is promoted to the rank of Police Lieutenant from Rockland County Civil Service list #03151B certified on December 12, 2003 at an annual salary of \$114,839.00.

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

* * *

RESOLUTION NO. 82

**POLICE PROMOTION
SERGEANT RUGGIERO**

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

RESOLVED, that Police Officer Robert Ruggiero is promoted to the rank of Police Sergeant from Rockland County Civil Service list # 01121C certified on December 12, 2003 at an annual salary of \$100,164.00.

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

* * *

RESOLUTION NO. 83

**POLICE NOMINATION
KERRI LYNNE SCHILLER**

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

RESOLVED, that Kerri Lynne Schiller is nominated for the position of Police Officer in the Town of Orangetown from Rockland County Civil Service list # 00200 certified December 16, 2003 pending final Civil Service certifications and completion of a background check, at an annual salary of \$34,994.00.

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

* * *

RESOLUTION NO. 84

**POLICE NOMINATION
KEVIN P. DRAIN**

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

Resolution No. 84 – Continued

RESOLVED, that Kevin P. Drain is nominated for the position of Police Officer in the Town of Orangetown from Rockland County Civil Service list # 00200 certified December 16, 2003 pending final Civil Service certifications and completion of a background check, at an annual salary of \$34,994.00.

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

* * *

RESOLUTION NO. 85**OPEN/PH/CDBG/BLOCK/GRANT**

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

RESOLVED, that the public hearing to consider The Rockland County Consortium of Towns and Villages Community Development Citizen Viewpoint on the 2004 Block Grant Funds is hereby opened.

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

The Town Clerk presented proof of publication and posting, copies are labeled Exhibit 1-E-04, and made a part of these minutes.

Public Portion:

Sister Peggy Scarano, Sr. Judd DePalma and Mary Vail, representing the Citizens Advisory Committee, answered questions presented by the Board. Sr. Peggy explained that this was for St. Dominic's School located on St. Dominic's Home property. This grant will be used for replacement windows in the School, which is required by the health and safety codes. The Town Board thanked Sister and the committee for their help and dedication.

* * *

RESOLUTION NO. 86**CLOSE/PH/CDBG/BLOCK/GRANT**

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

RESOLVED, that this public hearing to consider The Rockland County Consortium of Towns and Villages Community Development Citizen Viewpoint on the 2004 Block Grant Funds is hereby closed.

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

* * *

RESOLUTION NO. 87**ADOPT/CDBG/BLOCK/GRANT**

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

RESOLVED, that the public hearing to consider The Rockland County Consortium of Towns and Villages Community Development Citizen Viewpoint on the 2004 Block Grant Funds is hereby adopted.

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

* * *

RESOLUTION NO. 88**OPEN/PH/LL/RECREATION ZONE
(RPC-R)/RPC PROPERTY**

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 establishing a recreational zoning district (RPC-R) on portions of the Rockland Psychiatric Center lands owned by the Town of Orangetown and designated as Tax Lots: Sec. 73.12, Block 1, Lot 3; Sec. 73.12, Block 1, Lot 5.1; Sec. 73.12, Block 1, Lot 1; and Sec. 74.05, Block 1, Lot 1 is hereby opened.

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

The Town Clerk presented proof of publication and posting, copies are labeled Exhibit 1-F-04, and made a part of these minutes.

Public Portion:

Catherine Dodge, Orangeburg, questioned how the zone would affect the Orangetown Parks Development Advisory Committee?

Donald Brenner, Orangeburg, questioned the floor ratio, exclusion items, and size of sign. Would he be allowed to review the proposal further?

Fran Oldenburger, Blauvelt, questioned whether the zone would remain steadfast overtime?

Maria Ironside, Tappan, will the recreation land be deeded or covenant for recreation purposes only.

Andrew Wiley, Pearl River, expressed concerned about floor ratios, food and beverages and how it would affect other businesses in Orangetown.

Town Attorney, James Riley, cautioned the Town Board regarding a statement on page 4 of the Proposed Zoning Text Amendment, which states “* One side yard may be reduced to zero if said yard is adjacent to permanent open space or a recreation facility”. He feels that the town-owned land should not run up to the building. It should clearly indicate if its town-owned or privately owned. In his opinion there are two ways to control property, first, zoning, which may have a use variance, however, the ZBA could change the use due to a hardship. Second, which has more control, would be a covenant that runs with the land. His suggestion would be a covenant, which is very difficult to release.

* * *

RESOLUTION NO. 89**ADJOURN/PH/LL/RECREATION
ZONE (RPC-R)/RPC PROPERTY**

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

RESOLVED, that the public hearing to consider a proposed Local Law establishing a recreational zoning district (RPC-R) on portions of the Rockland Psychiatric Center lands owned by the Town of Orangetown and designated as Tax Lots: Sec. 73.12, Block 1, Lot 3; Sec. 73.12, Block 1, Lot 5.1; Sec. 73.12, Block 1, Lot 1; and Sec. 74.05, Block 1, Lot 1 is hereby adjourned to February 9, 2004 at 8:00 p.m.

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

* * *

RTBM Public Portion

Shelly Morgan, Tappan, questioned what does the Village of Piermont want in return for its \$50,000 contribution for the purchase of the Collins property.

Jeff Berman, Blauvelt, Chairman of the Open Space Committee is in favor of the purchase of the Collins property. He stressed the importance of open space. If we loose this opportunity for open space, than Orangetown has no open space program.

Gerry Ilowite, S. Nyack, supports open space.

Trustee Fred Devan, Piermont, said the open space will help the runoff from the Sparkill Creek.

Paul Kavich, Tappan, is in favor of the purchase.

Andrew Wiley, Pearl River, asked if any Town Board member or their families have any financial interest in the Collins property.

Fran Oldenburg, Blauvelt, is in favor of the purchase.

Catherine Dodge, Orangeburg, explained OPDAC. She insured that this committee is aware of what is needed in the Town but also considers the cost to the taxpayer.

* * *

RESOLUTION NO. 90

CLOSE PUBLIC PORTION

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

RESOLVED, that the public portion is hereby closed.

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

Noes: None

* * *

RESOLUTION NO. 91

**BOND RESOLUTION/ADOPTED
COLLINS PROP/\$750,000**

Councilwoman Manning offered the following resolution, which was seconded by Councilman Morr and on a roll call was adopted:

RESOLVED, that the Bond Resolution of the Town of Orangetown, New York, appropriating \$750,000 for the purchase of up to 42 acres of the Collins, which is located on the north side of Clausland Mountain in Blauvelt, is hereby approved, a copy of the Extract of Minutes is labeled 1-G-04 and made a part of these minutes.

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

Noes: Councilman Troy

* * *

RESOLUTION NO. 92

**2004 YOUTH RECREATION
ASSESSMENT ADV COMM**

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

RESOLVED, that the following people are appointed to the **2004 Youth Recreation Assessment Advisory Committee**.

Dan Iorio

Bob Iorio

Bob DiUbaldo

Bill Schule

Pete Drespel

Mike Shine

Rich Volpe

Gerry Brady

Steve Harris

Jeff McNichol

Ed O'Dea

Chris Power

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

Noes: Councilwoman Manning

* * *

RESOLUTION NO. 93

COMBINE AGENDA ITEMS

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

RESOLVED, that agenda items eleven (11) through twenty-one (21), 26, and 27 are hereby combined.

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

Noes: None

RESOLUTION NO. 94**2004 SENIOR CITIZENS ADVISORY
COMMITTEE**

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

RESOLVED, that Veronica Blaine is appointed to the **Senior Citizens Advisory Committee**.

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

* * *

RESOLUTION NO. 95**2004 BLUE HILL/GOLF ADVISORY
COMMITTEE**

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

RESOLVED, that *Nicola Frustaci and Ed Shanley* is appointed to the **Blue Hill Golf Advisory Committee**.

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

* * *

RESOLUTION NO. 96**2004 OPEN SPACE COMMITTEE**

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

RESOLVED, that *Joy Macy* is appointed to the **Open Space Committee**.

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

* * *

RESOLUTION NO. 97**AUTHORIZATION/RTE 340
ATZL, SCATASSA & ZIGLER**

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

RESOLVED, that Atzl, Scatassa & Zigler, Land Surveyors, P.C. is authorized to furnish a survey for the Route 340 Sidewalk Project in Sparkill in the amount of \$18,750.00.

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

* * *

RESOLUTION NO. 98**AWARD BID/SIGN POSTS
HIGHWAY DEPT**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for *Sign Posts*, which were received and publicly opened on January 13, 2004, and

Resolution No. 98 – Continued

WHEREAS, these bids were referred to the Superintendent of Highways, for recommendation and report, a copy is labeled Exhibit 1-H-04, and made a part of these minutes. Now, Therefore, Be It,

RESOLVED, that the bids for *Sign Posts* is hereby awarded to Chemung Supply of Elmira, NY, the lowest qualified bidder.

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

* * *

RESOLUTION NO. 99**APPROVE/ADOPT-A-ROAD
SOUTH ORANGETOWN AMB**

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

RESOLVED, that the Adopt-A-Road Program application submitted by the South Orangetown Ambulance Corps for the section of Independence Avenue between Western Highway and Lester Drive in Tappan is approved.

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

* * *

RESOLUTION NO. 100**APPROVE/ADOPT-A-ROAD
REPUBLICAN CLUB OF PEARL
RIVER-NAURAUSHAUN**

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

RESOLVED, that the Adopt-A-Road Program application submitted by the Republican Club of Pearl River-Nauraushaun, Inc. for the section of Hunt Road from Veterans Memorial Drive to Blaisdell Road in Pearl River is approved.

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

* * *

RESOLUTION NO. 101**PERMISSION GRANTED/POLICE
HECKLER & KOCH ARMORERS SCH**

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

RESOLVED, that permission is granted for one police officer to attend the Heckler & Koch Armorers School in Jersey City, NJ on April 5-8, 2004 for a cost of \$675.00 to be charged to Account B/3120/0441/0480.

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

* * *

RESOLUTION NO. 102**TRANSFER \$1.1 MILLION FROM
GENERAL FUND TO CAPITAL PROJ**

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

Resolution No. 102 – Continued

RESOLVED, that upon the recommendation of the Finance Director the transfer \$1.1 million from the General Fund to Capital Projects for the architectural, engineering and miscellaneous costs for the pool, community center/and RPC lands with the repayment of bond eligible costs from future bond proceeds, with specific budget adjustments are approved as follows:

- Increase 2003 revenue from General Fund retained earnings by \$1,100,000 (A0599900/35999)
- Increase 2003 expenses for General Fund interfund transfers by \$1,100,000 (A9950009/50900)
- Increase capital project interfund revenues by \$1,100,000 (H0503100/45031)
- Increase capital project expenses for pool/community center/ RPC lands by \$1,100,000 (H7110702/50200).

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

Noes: None

* * *

RESOLUTION NO. 103

ACCEPT MINUTES

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

RESOLVED, that the January 5, 2004, Organizational Meeting; January 10, 2004, Special Town Board Meeting; January 12, 2004, Regular Town Board and Audit Meeting; January 14, 2004, Special Town Board Meeting; and January 17, 2004, Special Town Board Meeting minutes are hereby accepted.

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

Noes: None

* * *

RESOLUTION NO. 104

**ACCEPT/RECEIVE/FILE
PERFORMANCE BOND/BLAUVELT
POST OFFICE SITE PLAN**

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

RESOLVED, that annexed Blauvelt Post Site Plan Performance Bond as well as the irrevocable Standby Letter of Credit #030S00304 issued by Cathay Bank given as collateral security therefore, in the amount of \$8,970.00 is hereby accepted & received by the Town Board and filed in the Town Clerk's Office.

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

Noes: None

* * *

New Business

RESOLUTION NO. 105

**AUTHORIZE/BECKMANN
APPRAISALS/RAMLAND REALTY**

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

RESOLVED, that with respect to the tax certiorari brought by Ramland Realty Corp., regarding premises known as 1 Ramland Road and 283-295 Blaisdell Road authorize the Town Attorney to engage Beckmann Appraisals Inc. to complete a full trial appraisal at a cost of \$12,500.00 for professional appraisal services, \$1,500 per court appearance and \$150.00 per hour for other services (as per his proposal of 1/26/2004)

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

Noes: None

RESOLUTION NO. 106

ADJOURNMENT/MEMORY

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

RESOLVED, that this meeting is hereby adjourned at 10:20 p.m. in memory of Richard McCloskey, Blauvelt and Michael Casey, Orangeburg.

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

Noes: None

Charlotte Madigan, Town Clerk