

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, JUNE 28, 2004**

The Regular Town Board Meeting was opened at 7:07 p.m. Supervisor Kleiner presided. The Town Clerk called the Roll. Present were:

Councilman Denis O'Donnell (*Executive Session*)
Councilman Denis Troy (*Executive Session*)
Councilwoman Marie Manning (*Executive Session*)
Councilman Thomas A. Morr (*Executive Session*)

Also present: Charlotte Madigan, Town Clerk (*Executive Session*)
Eliot Tozer, Deputy Supervisor (*Executive Session*)
Suzanne Barclay, Executive Asst. to Supvr. (*Executive Session*)
Teresa M. Kenny, Town Attorney (*Executive Session*)
John Edwards, Deputy Town Attorney (*Executive Session*)
Charles Richardson, Director of Finance (*Executive Session*)
Ronald C. Delo, Environmental Mgt. & Eng. (*Executive Session*)
Terrence Sullivan, Police Captain (*Executive Session*)
Robert Simon, Receiver of Taxes
Mary McCloskey, Assessor's Office
Ann Maestri, Supervisor of Fiscal Services
John Giardiello, Director, OBZPAE
Richard Rose, Superintendent of Parks, Rec. & Bldg. Maint.

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RESOLUTION NO. 432

ENTER EXECUTIVE SESSION

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

RESOLVED, that this Town Board enters executive session at 7:07 p.m. to discuss contractual matters regarding STEJ.

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

Noes: None

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RESOLUTION NO. 433

RE-ENTER RTBM

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

RESOLVED, that this Town Board re-enter the Regular Town Board Meeting at 7:53 p.m.

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

Noes: None

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The Pledge of Allegiance to the Flag was lead by the Orangetown Police Youth Academy.

Charlotte Madigan, Town Clerk, swore in the youths for this year's Police Youth Academy.

Supervisor Kleiner announced there would be a second information meeting and site tour, June 29th at 10 a.m. for developers at the RPC site. The Town Board sent a letter to the Our Town newspaper regarding the pool and community center. The Town Board explained that if there is a referendum and a special election is called, this would caused a delay in building the pool and would cost approximately \$70,000 for the vote.

Public Portion

Mike Henry, Pres. of Pearl River Ice Hockey, is in favor of passing STEJ contract.
 Arthur & Ruth Matrisciani, Colonial Court, Pearl River, are against the proposed senior housing. They feel the high-density construction could cause flooding. They are also concerned with additional traffic and parking.
 Steve Reddan, Pearl River, is against proposed senior housing for same reasons.
 Ken Lemm, Pearl River, is against proposed senior housing for same reasons.
 Peter & Debbie Donohue, Pearl River, are against proposed senior housing for same reasons.
 Maureen Shanahan, Pearl River, is against proposed senior housing for same reasons.
 Mae & Will Garrison, Pearl River, are against proposed senior housing for same reasons.
 Teresa Gilmartin, Pearl River, is against proposed senior housing for same reasons.
 Patty & Tom Campbell, Pearl River, are against proposed senior housing for same reasons.
 Joanne DeLaVega, Pearl River, is against proposed senior housing for same reasons.
 James Rahal, Pearl River, is against proposed senior housing for same reasons.
 Jim Murphy, Pearl River, discussed clean up of property located on Cardean Place.
 Eileen Larkin, Palisades, questioned whether STEJ's check is in one amount? She is against double digit tax increases.
 Ruth Weber, Upper Grandview, concerned about taxes & liability regarding pool/community center.
 Andrew Wiley, Pearl River, against liquor being served in STEJ's facility. Questioned who determines easements and parking spaces? Would sale of Town-owned property require a referendum?
 Catherine Dodge, Orangeburg, concerned about alternates for Planning Board. Alternates may not have time to review plans, if they do not regularly attend Planning Board meetings.
 Mary McCloskey, Blauvelt, in favor of Town facility. Pool is important to families.
 Ruth Vezzitti, Tappan, against liquor being served in STEJ's facility. Discussed cost of Collins property.
 Ed O'Dea, Pearl River, hockey community needs more ice rinks. Will be happy to see STEJ contract signed.
 Fran Oldenburger, Blauvelt, questioned shared infrastructure costs, against liquor being served in STEJ's facility, and wants more female police officers.
 Shelly Morgan, Tappan, discussed Collins estate as open space, Piermont's \$50,000 Bond Resolution, and ownership of the estate.
 Jay Nakashima, Pearl River, questioned hours of operation of the sports center? Concerned about pool's proximity to reservoir and will annual dues be self-sustaining.
 Tom Dinan, Democrat Town Chairman, voting machines can have several election at one time.
 Donald Brenner, Esq., attorney for STEJ, believes this is a good contract, which will benefit the Town.

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RESOLUTION NO. 434

CLOSE PUBLIC PORTION

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

RESOLVED, that the public portion is hereby closed.

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

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John Edwards, Deputy Town Attorney, summarized the Contract of Sale for STEJ and offered to answer questions about this contract.

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RESOLUTION NO. 435

**AUTHORIZE/OPTION
CONTRACT OF SALE/STEJ**

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

Resolution No. 435 – Continued

RESOLVED, that the Supervisor is authorized to sign an Option Contract of Sale with S.T.E.J. LLC. To grant to STEJ the option to purchase certain real property owned by the Town Of Orangetown consisting of 16.878 acres of vacant land, as more fully described on Schedule "A" attached hereto, at a cost of \$1,687,800.00.

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

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RESOLUTION NO. 436**COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items three (3) through fifteen (15) except items six (6) and twelve (12) are hereby combined.

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

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RESOLUTION NO. 437**APPOINT/ASST OPERATOR
DEME/JAMES O'CONNELL**

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

RESOLVED, that at the request of Rockland County Personnel Office, James O'Connell is appointed to the position of Assistant Operator from EL List #04036, Grade 3 (Wastewater) trainee, permanent, grade 14, annual salary \$73,950, effective June 29, 2004.

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

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RESOLUTION NO. 438**APPOINT/POLICE RADIO
DISPATCHER/KERRY BURKE**

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

RESOLVED, that Ms. Kerry A. Burke as a reinstatement under Rockland County Civil Service Rule #18, is appointed to the position of Police Radio Dispatcher (CAD) in the Police Department, effective July 10, 2004 (resigned from the Village of Spring Valley on July 9, 2004), probationary, grade 12-1, annual salary \$39,139.00.

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

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RESOLUTION NO. 439**POLICE REGULATION/TEMPORARY
NO PARKING/WESTERN HWY**

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

Resolution No. 439 – Continued

RESOLVED, that upon the recommendation of the Traffic Advisory Board, installation of **temporary** “No Parking” signs be installed from 35’ south of Maple Lane to the South Orangetown Central School District property on the east side of Western Highway on the days and during the hours Little League games are held are hereby approved. These signs will be put up and taken down by Little League personnel.

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

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RESOLUTION NO. 440**ADV BIDS/ARTICULATING BOOM
LIFT W/OPTIONS & ACCESS/DEME**

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

RESOLVED, that the Director of Environmental Mgt. & Eng. is hereby authorized to advertise for sealed bids for an *Articulating Boom Lift with options and accessories* and, Be It

RESOLVED FURTHER, that bids are to be received by 10:30 a.m., July 21, 2004, and publicly opened and read aloud at 11:00 a.m., and Be It

RESOLVED FUTURE, that a report of all bids received and recommendation concerning the award is to be made at a regular Town Board meeting.

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

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RESOLUTION NO. 441**AWARD BID/LEAF VACUUM
MACHINES/HIGHWAY**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for *two (2) New Leaf Vacuum Machines*, which were received and publicly opened on June 16, 2004, and

WHEREAS, these bids were referred to the Highway Department for recommendation and report, a copy is labeled Exhibit 6-G-04, and made a part of these minutes, Now, Therefore, Be It

RESOLVED, that the bid for *two (2) New Leaf Vacuum Machines* is hereby awarded to Timmerman Equipment, White House, New Jersey, the sole bidder, in the amount of \$32,000 each, for a total of \$64,000.

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

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RESOLUTION NO. 442

**ADOPT-A-SPOT COMMITTEE
ETHAN ALLEN/HIGHWAY**

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

RESOLVED, that the following residents are added to the *Ethan Allen Adopt-A-Spot Committee*:

Ting Tse	Mitchell Turk	Richard Maher	Joung Hee Oh
Hing To Tse	Koshy George	Jennifer Maher	Joo Youl Oh
Wen Shi	Gracy Koshy	Robert Bloom	Tae Uh Oh
	Raymond Wang		

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

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RESOLUTION NO. 443

**ADOPT-A-SPOT COMMITTEE
CAROL LANE/HIGHWAY**

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

RESOLVED, that the Town of Orangetown, a municipal corporation, organized under the Town Law of the State of New York, which Town has a place of business at 26 Orangeburg Road, Orangeburg, New York, 10962, expressly authorizes and approves the Adopt-A-Spot Committee, a volunteer organization with Joseph and Valerie Kersting as part of the Adopt-A-Spot Committee to contribute toward the development and maintenance of a more attractive and litter-free Town Highway R.O.W. segment as described in the Highway Work permit as Town Property west of the 14 Carol Lane residence, otherwise known as the "SPOT," by performing necessary and/or desired clean-up activities, as particularly set forth in and pursuant to the terms and conditions of the Town of Orangetown Highway Department Adopt-A-Spot Agreement between the Town of Orangetown Highway Department and Carol Lane Community Garden Adopt-A-Spot Committee, dated June 28th, 2004.

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

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RESOLUTION NO. 444

**AMEND RESOLUTION NO. 281
RECEIVER OF TAXES**

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

RESOLVED, that Town Board Resolution 281 of 2004 to increase seminar and travel costs from \$597.00 to \$783.14 is hereby amended.

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

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RESOLUTION NO. 445

**APPROVE/CERTIFICATE OF
REGISTRATION/HARRIS & SONS**

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

Resolution No. 445 – Continued

RESOLVED, that upon the recommendation of the Town Attorney and the Director of the Department of Environmental Management and Engineering, a Certificate of Registration for Sewer Work for 2004 is approved for *W. Harris & Son, Inc.* of Pearl River, NY and *Monsey Excavating, Inc.* of Monsey, NY.

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

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RESOLUTION NO. 446

**APPROVE/SETTLEMENT/TAX CERT
 RAMLAND REALTY ASSOC**

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 and the Assessor, and upon prior approval of the Pearl River Union Free School District, settlement of the tax certiorari, *Ramland Realty Associates, LLC vs. Town of Orangetown, its Assessor and the Town Board of Assessment review*, Tax Map Nos. 73.20-1-23 (no change) and for 73.20-1-24 tax years 2002 (no change) and 2003 from \$11,626,000 to \$8,719,500 for a refund by the Town of \$34,483.00. Interest on the Town's liability as a result of decrease is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement on the Town, is hereby approved.

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

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RESOLUTION NO. 447

REC/FILE/COMMUNITY/AGREEMTS

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

RESOLVED, that the following Community Group agreements are hereby received and filed in the Town Clerk's office:

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| Rockland Com College Senior Club | Camp Venture, Inc. |
| Care Link (SOAC) | Community Playgroup |
| Foster Grandparent Program | The Historical Society of Rockland County |
| Meals on Wheels Program | Nyack Center |
| Big Brothers/Big Sisters of Rockland | Retired and Senior Volunteer Program |
| Rockland Family Shelter | Volunteer Counseling Service of Rockland |
| Volunteer Action Center of Rockland/Chore Service | |

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

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RESOLUTION NO. 448

**AUTHORIZE/TOWN MUSEUM
 PROPOSALS/ARCHAEOLOGICAL**

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

Resolution No. 448 - Continued

RESOLVED, that the staff of the Town Museum is authorized to request proposals for archaeological survey and historic preservation architectural services for the Town Museum, with proposals to be returned by July 23, 2004.

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

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RESOLUTION NO. 449**AUTHORIZE/TRAFFIC CONSULTANT
THE HOLLOWES/THE POINTE/RPC**

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

RESOLVED, that the Supervisor is authorized to hire a traffic consultant to review the traffic studies prepared for The Hollows zone change application, the Pointe at Lake Tappan zone change application and the creation of the Rockland Psychiatric Center Recreation Zone and make recommendations to the Town Board regarding traffic impacts to be paid for by the applicants through the establishment of an escrow account as established in Section 4.612.A(2)(i) of the Town Code.

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

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RESOLUTION NO. 450**SET PUBLIC HEARING DATE
ABANDON PROPERTIES**

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

RESOLVED, that the date of August 9, 2004, 8:30 p.m. is set for a Public Hearing on abandon properties.

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

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RESOLUTION NO. 451**ENTER EXECUTIVE SESSION**

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

RESOLVED, that the Town Board entered Executive Session at 10:07 p.m. to discuss particular Police personnel matters regarding hiring of new officers.

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

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RESOLUTION NO. 452**RE-ENTER RTBM**

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

RESOLVED, that the Town Board re-entered regular town board meeting at 10:40 p.m.

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

RESOLUTION NO. 453

**APPOINT POLICE OFFICERS
DRAIN/SILVA/DUNNE/HUTMACHER**

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

RESOLVED, that Terence Drain, Scott Silva, Martin Dunne and Terence Hutmacher are appointed to the position of Police Officers pending certification from the Rockland County Department of Personnel and completed background checks.

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

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RESOLUTION NO. 454

ADJOURNMENT/MEMORY

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

RESOLVED, that this meeting hereby adjourned at 9:43 p.m. in memory of Thomas Ciganek, Tappan, and George H. Menegaux, Tappan and Frank Kline, Piermont.

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

Charlotte Madigan, Town Clerk