

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, MARCH 22, 2004**

The Regular Town Board Meeting was opened at 7:40 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
Suzanne Barclay, Executive Asst. to Supvr.
Teresa M. Kenny, Town Attorney
John Edwards, Deputy Town Attorney
Robert V. Magrino, Deputy Town Attorney
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways
Kevin Nulty, Chief of Police
Sgt. Steve Fisher, Police Department
Robert Simon, Receiver of Taxes
John Giardiello, Director, OBZPAE
Richard Rose, Superintendent of Parks, Rec. & Bldg. Maint.

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The Pledge of Allegiance to the Flag was led by Ashley Boyce, Danielle Weill and Jasmin Nunez, students from Nanuet High School part of the Participation in Government (PIG) program.

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Sgt. Steve Fisher of the Orangetown Police Department gave a presentation to the Town Board regarding the Pearl River Business District's parking issues. A Kiosk-based parking system was presented, which could solve the meter dilemma and eliminate many of the parking problems faced by commuters and business owners.

Supervisor Kleiner congratulated the museum for Juan Nickford's Tools and Sculpture display, which will be at the Orangetown Historical Museum until May 16, 2004.

Richard Rose, Superintendent of Parks announced that The Hudson River Valley Greenway and Orangetown are pleased to designate the Joseph B. Clarke Rail-Trail as an official segment of the Greenway Trail System. This trail is located in the Town of Orangetown and will add four miles to the Greenway Trail. Supervisor Kleiner announced that the Watershed Recreation Program has been re-opened.

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Public Portion

Arnold Shore, Orangeburg, is concerned regarding the Pearl River School District double-digit tax increase. He feels the Town needs an increase of revenue, particularly in RPC. Shelly Morgan, Tappan, said the Town Board discussed building a community center long after building a pool was agreed upon. He also discussed Orangetown's cost of the pump station vs. NY State's cost.

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RESOLUTION NO. 222

CLOSE PUBLIC PORTION

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

Resolution No. 222 – Continued

RESOLVED, that the public portion is hereby closed.

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

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RESOLUTION NO. 223**DESIGNATION OF LEAD
AGENCY/COLLINS PROP**

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

RESOLVED, that the Town of Orangetown hereby declares itself Lead Agency for the purchase of the Collins property.

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

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RESOLUTION NO. 224**SEQRA DECLARATION
COLLINS PROP**

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

RESOLVED, that a negative SEQRA Declaration is hereby adopted for the purchase of the Collins property, copy is labeled Exhibit 3-C-04 and made a part of these minutes.

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

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RESOLUTION NO. 225**BOND RESOLUTION/ADOPTED
COLLINS PROP/\$750,000**

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

RESOLVED, that upon the recommendation of the Finance Director, adopt Bond Resolution authorizing the Open Space Acquisition of and undivided interest in Real Property know as the Collins property, adjacent to Clausland Mountain, in the Town, stating the estimated maximum cost thereof is \$750,000, appropriating said amount therefore, and authorizing the issuance of \$750,000 Bonds of said Town to finance said appropriation, copy of the Extract of Minutes is labeled Exhibit 3-D-04 and made a part of these minutes.

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

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RESOLUTION NO. 226**RPC/ACCEPT PROPOSAL
LAWLER, MATUSKY SKELLY
SEQRA REVIEW**

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

RESOLVED, that the proposal of Lawler, Matusky and Skelly Engineers LLP to prepare the joint SEQR review of the municipal pool and community center, the private sports complex and the Little League fields, excluding traffic studies, in the amount of \$23,000 for basic services as outlined in their proposal of March 22, 2004 and an amount not to exceed \$2,500 for meetings with outside agencies is hereby accepted.

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

Noes: None

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RESOLUTION NO. 227**COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items five (5) through twenty-three (23) except for item no. 13 are hereby combined.

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

Noes: None

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RESOLUTION NO. 228**2004 VOLUNTEER HEALTH
SERVICES ADVISORY COM
DANIEL GOSWICK**

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

RESOLVED, that *Daniel Goswick* is appointed to the **2004 Health Services Advisory Committee**.

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

Noes: None

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RESOLUTION NO. 229**2004 BUREAU OF FIRE
PREVENTION/PAUL RASO
AND RAYMOND SLAVIN**

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

RESOLVED, that *Paul Raso and Raymond Slavin* is appoint to the **2004 Bureau of Fire Prevention Committee**.

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

Noes: None

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RESOLUTION NO. 230**APPROVE AID/PEARL
RIVER LION'S CLUB
ANNUAL FLEA MARKET**

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

RESOLVED, that the request of the Pearl River Lion's Club, for its Annual Flea Market at the Pearl River Central Avenue field on May 29-30th, 2004, for use of up to four portable toilets, eight large waste receptacles and a dumpster (clean-up and pick-up), and allowing a banner to be hung across Central Avenue the week prior to the event, to be charged to celebrations account #A7550 is hereby approved.

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

Noes: None

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RESOLUTION NO. 231**APPROVE AID/SOUTH
ORANGETOWN AMBULANCE
COMMUNITY OUTREACH DAY**

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

RESOLVED, that the request of the South Orangetown Ambulance Corps for its Community Outreach Day on Saturday, June 12 (rain date of June 13) for use of the Showmobile, with S.O.A.C. providing a certificate of insurance is hereby approved.

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

Noes: None

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RESOLUTION NO. 232**POLICE REGULATIONS
HOUR PARKING
CENTRAL/SPARROW LN**

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

RESOLVED, that a Police Regulation for a six (6) month trial period, installation of a sign, "2-Hour Parking, between 7:00 a.m. and 3:00 p.m. on School Days" on East Central Avenue and Sparrow Lane, Pearl River is adopted.

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

Noes: None

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RESOLUTION NO. 233**APPROVE/RENEWAL CONTRACT
2004 SUMMER DAY CAMP
RINALDI BUS COMPANY**

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

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation and Buildings, renewal of the contract between the Town of Orangetown and Rinaldi Bus Company for the Summer of 2004 Day Camp Program is approved.

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

Noes: None

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RESOLUTION NO. 234**AUTHORIZE/RENEWAL CONTR
2004 SUMMER DAY
THE NOBLE NINTH INC**

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

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation and Buildings and the Town Attorney, the Supervisor and Town Attorney is authorized to sign the letter-extension agreement providing the Town with the use of the picnic grounds of The Noble Ninth, Inc. in Tappan as a summer camp for the period commencing Monday, July 6, 2004 through Friday, August 13, 2004.

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

Noes: None

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RESOLUTION NO. 235**ESTABLISH/POSITION/FINANCE
SUPERVISOR OF FISCAL SERV**

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

RESOLVED, that the position of Supervisor of Fiscal Services (Towns), reclassification of Computer Operator and Account Keeping Supervisor, in the Accounting, grade 16 (no change), effective immediately is established.

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

Noes: None

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RESOLUTION NO. 236**AUTHORIZE/AGREEMENT
LEGAL REPRESENTATION/NYS
REAL PROP TAX LAW ART 7
THOMAS F. O'CONNELL ESQ**

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

RESOLVED, that the Supervisor is authorized to execute and deliver a retainer agreement with Thomas F. O'Connell, Esq., of O'Connell and Riley, Esqs. 144 East Central Avenue, Pearl River, New York, to undertake legal representation of the Town regarding litigation brought against the Town under the New York State Real Property Tax Law, Article 7, which retainer agreement shall be in form and substance satisfactory to the Office of the Town Attorney, at the hourly rate of compensation of \$195.00 for partners; \$125.00 per hour for Associate; and \$75.00 per hour for Paralegal, for an amount not to exceed \$5,000 for services which shall include, but not be limited to, research, and case law analysis, review of pending tax certiorari cases, appraisal analysis, review and documentation preparation, conferences with experts, negotiations, trial preparation and trial of matters.

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

Noes: None

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RESOLUTION NO. 237**APPROVE/TAX SETTLEMENT
CERTIORARI/MARZEEPLEX**

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

Resolution No. 237 – Continued

RESOLVED, that upon the recommendation of the Town Attorney's Office and Assessor, settlement of tax certiorari for *Marzeeplex Associates LLC*, Tax Map No. 70.19-1-42, by reducing the assessed value for tax years 1999/00 from \$765,700.00 to \$715,700.00; for tax years 2000/01 from \$765,700.00 to \$715,700.00; for tax years 2001/02 from \$765,700.00 to \$640,000.00; for tax years 2002/03 from \$765,700.00 to \$557,200.00; and for tax years 2003/04 from \$765,700.00 to \$703,800.00, for a total refund by the Town of \$6,925.00 is hereby approved. Interest on the Town's Liability as a result of the decrease is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town.

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

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RESOLUTION NO. 238**APPROVE/TAX SETTLEMENT
CERTIORARI/MIDDLEFOREST**

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 and Assessor, settlement of tax certiorari for *Middleforest LLC*, Tax Map No. 68.12-5-26 by reducing the assessed value for tax years 1998/99 from \$762,400.00 to \$712,400.00; for tax years 1999/00 from \$762,400.00 to \$712,400.00; for tax years 2000/01 from \$762,400.00 to \$662,400.00; for tax years 2001/02 from \$762,400.00 to \$604,700.00; and for tax years 2002/03 from \$762,400.00 to \$635,400.00; and for tax years 2003/04 from \$762,400.00 to \$675,000.00, for a total refund by the Town of \$7,103.00 is hereby approved. Interest on the Town's Liability as a result of the decrease is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town.

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

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RESOLUTION NO. 239**APPROVE/TAX SETTLEMENT
CERTIORARI/UNION STATE BK**

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 and Assessor, settlement of tax certiorari for *Union State Bank*, Tax Map No. 69.09-2-1, by reducing the assessed value for tax years 1998/99 \$366,00.00, no change; for tax years 1999/00 \$366,000.00, no change; for the tax years 2000/01 \$366,000.00, no change; 2001/02 from \$366,000.00 to \$325,000.00; for tax years 2002/03 from \$366,000.00 to \$325,000.00; and for tax years 2003/04 from \$366,000.00 to \$325,000.00, for a total refund by the Town of \$4,537.00 is hereby approved. Interest on the Town's Liability as a result of the decrease is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town.

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

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RESOLUTION NO. 240**APPROVE/TAX SETTLEMENT
CERTIORARI/UNION STATE BK**

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

Resolution No. 240 – Continued

RESOLVED, that upon the recommendation of the Town Attorney's Office and Assessor, settlement of tax certiorari for *Union State Bank*, Tax Map No. 74.10-1-71, by reducing the assessed value for tax years 1998/99 from \$3,950,000.00 to \$3,850,000.00; for tax years 1999/00 from \$3,950,000.00 to \$3,850,000.00; for tax years 2000/01 from \$3,950,000.00 to \$3,850,000.00; for tax years 2001/02 from \$3,950,000.00 to \$3,691,000.00; for tax years 2002/03 from \$3,950,000.00 to \$3,313,000.00; and for tax years 2003/04 from \$3,950,000.00 to \$3,331,000.00, for a total refund by the Town of \$25,732.00 is hereby approved. Interest on the Town's Liability as a result of the decrease is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town.

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

Noes: None

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RESOLUTION NO. 241**APPROVE/TAX SETTLEMENT
CERTIORARI/UNION STATE BK**

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 and Assessor, settlement of tax certiorari for *Union State Bank*, Tax Map No. 74.10-1-69, by reducing the assessed value for tax years 1998/99, \$400,000.00 no change; for tax years 1999/00 \$400,000.00, no change; for tax years 2000/01 \$400,000.00, no change; 2001/02 \$400,000.00 no change; for tax years 2002/03 from \$400,000.00 to \$360,000.00; and for tax years 2003/04 from \$400,000.00 to \$360,000.00, for a total refund by the Town of \$2,869.00 is hereby approved. Interest on the Town's Liability as a result of the decrease is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town.

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

Noes: None

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RESOLUTION NO. 242**APPROVE/TAX SETTLEMENT
CERTIORARI/RICHARD A LESLIE
COMPANY INC**

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 and Assessor, settlement of tax certiorari for *Richard A. Leslie Company, Inc.*, Tax Map No. 73.20-1-33, by reducing the assessed value for tax years 2001/02 from \$3,150,000.00 to \$2,500,000 and tax years 2002/03 from \$3,150,000.00 to \$2,500,000.00, for a total refund by the Town of \$14,294.00 is hereby approved. Interest on the Town's Liability as a result of the decrease is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town.

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

Noes: None

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RESOLUTION NO. 243**APPROVE/TAX SETTLEMENT
CERTIORARI/KEEBLER COMP**

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 and Assessor, settlement of tax certiorari for *Keebler Company*, Tax Map No. 73.19-1-8, by reducing the assessed value for tax years 1997/98, \$2,663,200, no change; for tax years 1998/99 \$2,663,00, no change; for tax years 1999/2000 from \$2,663,200.00 to \$2,500,000.00; tax years 2000/01 from \$2,663,200.00 to \$2,300,000.00; tax years 2001/02 from \$2,663,200.00 to \$2,300,000.00; tax years 2002/03 from \$2,663,200.00 to \$2,100,000.00; and tax years 2003/04 from \$2,663,200.00 to \$1,900,000.00, for a total refund by the Town of \$23,559.00 is hereby approved. Interest on the Town's Liability as a result of the decrease is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town.

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

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RESOLUTION NO. 244**RECEIVE/FILE/DEED
G & W BUILDERS CORP
HICKORY ESTATES SUBDIV**

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

RESOLVED, that the *Deed* dated October 21, 2003 from G & W Builders Corp., a New York corporation, as Grantor, in favor of the Town of Orangetown, as Grantee, conveying fee title to the portion of Hickory Street within the geographical boundaries of the *Hickory Estates Subdivision* as described, depicted and shown on the Hickory Estates Subdivision Map filed in the Rockland County Clerk's Office on December 24, 2003 as Instrument ID #2003-00097535 is filed in the Town Clerk's Office.

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

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RESOLUTION NO. 245**RECEIVE/FILE/OWNER'S POLICY
COMMONWEALTH LAND TITLE
INSURANCE COMP
HICKORY ESTATES SUBDIV**

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

RESOLVED, that the *Owner's Policy of Title Insurance*, File/Policy No. C970106 issued by Commonwealth Land Title Insurance Company, dated December 24, 2003, affirmatively insuring title in favor of the Town of Orangetown in the amount of \$35,000.00 for that portion of Hickory Street as described in Schedule A annexed to the Deed dated October 21, 2003 from G & W Builders Corp., a New York corporation, as Grantor, in favor of the Town of Orangetown, as Grantee, conveying fee title to the portion of Hickory Street within the geographical boundaries of the *Hickory Estates Subdivision* as described, depicted and shown on the Hickory Estates Subdivision Map filed in the Rockland County Clerk's Office on December 24, 2003 as Instrument ID #2003-00097535 and as set forth in said Owner's Title Insurance Policy is filed in the Town Clerk's Office.

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

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RESOLUTION NO. 246**ACCEPT MINUTES**

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

RESOLVED, that the Executive Session minutes of March 1, 2004 and March 15, 2004; Regular Town Board Meeting minutes of March 8, 2004 and Audit Meeting minutes of March 8, 2004 are hereby accepted.

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

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New Business

RESOLUTION NO. 247**APPROVE/CONTRACT/KORN
ROSENBAUM, PHILLIPS &
JAUNTING LLP**

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

RESOLVED, that upon the recommendation of the Finance Director, contract with Korn, Rosenbaum, Phillips & Jaunting LLP for accounting services for an average hourly rate not to exceed \$105.00 per hour, for an amount not to exceed \$5,000.00 is approved.

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

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RESOLUTION NO. 248**APPOINT/HOUSING AUTHORITY**

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

RESOLVED, that Helen Murphy is appointed to the Housing Authority Committee.

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

Supervisor Kleiner reminded the Board that the policy of the Town Board was to have resumes presented along with the name proposed, at workshop, for discussion, before being nominated for a committee.

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RESOLUTION NO. 249**ADJOURNMENT/MEMORY**

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

RESOLVED, that this meeting is hereby adjourned at 9:37 p.m. in memory of Barbara Feld, Computer Operator Manger & Account Supervisor for the Town, who was with Orangetown for over 26 years.

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

Charlotte Madigan, Town Clerk