

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD & AUDIT MEETING
January 13, 2003**

The Regular Town Board Meeting was opened at 7:45 P.M. Supervisor Kleiner presided. The Town Clerk called the Roll. Present were:

Councilman Edward Fisher
Councilman Denis O'Donnell
Councilman Denis Troy
Councilwoman Marie Manning

Also present:

Charlotte Madigan, Town Clerk
Eliot Tozer, Deputy Supervisor
James K. Riley, Town Attorney
Thomas O'Connell, Deputy Town Attorney
Lou Kayser, Deputy Town Attorney
Suzanne Barclay, Executive Assistant to Supervisor
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways
Kevin A. Nulty, Chief of Police
Richard L. Rose, Jr., Supt. Parks-Rec & Bldg. Maint.
Robert Beckerle, Dir. Dept. 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, mentioned the scooping sessions for GUARD re: the Tappan Zee Bridge will take place in Westchester, Rockland and Orange County and will be open to the public for comment. January 8th was the last date to receive public comments re: the Millennium Pipeline. The builders of this pipeline agree that this should go through Haverstraw Bay and not go through Orangetown. Supervisor Kleiner also mentioned that the Town Board will address the Land Use Board Appointments at a future date. Supervisor Kleiner made mention re: the fiscal impact of President Bush's economic plan on local municipalities which came from Capital Markets Advisors, LLC, Orangetown's financial advisor. Supervisor Kleiner feels that this could mean loss of dollars to local Municipalities from Federal and State Government. Indian Point Evacuation Plan has difficulties and the County of Westchester has presented a resolution to close this facility. Supervisor Kleiner suggested to the Town Board that we should join with Westchester County and Orange County decision *not* to certify that everything has been done to ensure the emergency plan will work. The State Emergency Management Office uses the certifications from Westchester, Rockland Orange and Putnam counties to officially report that the evacuation plans are effective. If the counties do not provide certain information then it's difficult for the state to move forward.

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RESOLUTION NO. 28

**DRAFT/INDIAN POINT
EVACUATION PLAN**

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

RESOLVED, that permission is granted to Supervisor Kleiner to draft a resolution similar to that passed by the Westchester County Legislature regarding the Indian Point Evacuation Plan.

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

RESOLUTION NO. 29

ADVERTISE RFP'S POOL & COMMUNITY CENTER

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

RESOLVED, that permission is granted to advertise for Request for Qualifications for the design and construction of an aquatic pool facility to be located at surplus property at the Rockland Psychiatric Center.

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

RESOLUTION NO. 30

COMBINE AGENDA ITEMS

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

RESOLVED, that agenda items three (3) through nineteen (19) are hereby combined as one.

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

RESOLUTION NO. 31

PEARL RIVER HOOK & LADDER CARNIVAL

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

RESOLVED, permission is granted to the Pearl River Hook & Ladder's request for three port-o-sans, 15 trash receptacles and a dumpster for a carnival to be held on May 22-25, 2003 next to the firehouse to be charged to A7550/50457.

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

RESOLUTION NO. 32

**2003 COMMUNITY
INFORMATION GUIDE**

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

RESOLVED, permission is granted to the Superintendent of Parks, Recreation and Buildings for the publication of the *Town of Orangetown 2003 Community Information Guide*.

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

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RESOLUTION NO. 33

**PERMISSION/RICH ROSE
REC/PARK CONFERENCE**

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

RESOLVED, that permission is granted to the Superintendent of Parks and Recreation to attend the New York State Recreation and Park Society Conference in Hauppauge, NY on March 30 - April 2, 2003 at a cost of \$560.00 to be charged to Account #A/7020/0441/ 0480.

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

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RESOLUTION NO. 34

**AUTHORIZE TO BID
CHEMICALS/FERTILIZER**

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

RESOLVED, that permission is granted to the Superintendent of Parks and Recreation and Buildings to advertise for bids, for chemicals and fertilizers for Blue Hill Golf Course and the Parks Department. Bids are to be received by 10:30 A.M. on Thursday, February 13, 2003, publicly opened and read aloud at 11:00 A.M.

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

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RESOLUTION NO. 35

**AUTHORIZE TO BID TURF
EQUIPMENT**

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

RESOLVED, that permission is granted to the Superintendent of Parks and Recreation and Buildings to advertise for bids, for turf equipment for Blue Hill Golf Course and the Parks Department. Bids are to be received by 10:30 A.M. on Thursday, February 13, 2003, publicly opened and read aloud at 11:15 A.M.

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

RESOLUTION NO. 36

**AUTHORIZE TO BID
TANDEM DUMP TRUCKS**

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

RESOLVED, that permission is granted to the Superintendent of Highways to advertise for bids, for the purchase of two (2) new heavy-duty tandem dump trucks with accessories. Bids are to be received by 10:30 A.M. on Thursday, February 13, 2003, publicly opened and read aloud at 11:30 A.M.

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

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RESOLUTION NO. 37

**ADOPTED/SETTLEMENT
AMERICAN HOME
PRODUCTS**

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

RESOLVED, that the stipulation of settlement for the assessment years 2001 and 1993 between the Town of Orangetown and American Home Products, Inc., is hereby approved, and Be It

RESOLVED, further, that the Town Attorney is hereby authorized to execute the proposed settlement on behalf of the Town to settle the tax year 2001/02 proceeding by American Cyanamid Company against the Town of Orangetown and the Nanuet School District regarding the tax assessment for property described as Section 68.08, Block 1, Lot 1, on the Town of Orangetown Tax map. The stipulation of settlement reduced the assessment by \$90,390, 709 and the stipulation provides that upon receipt of the applicable refund by the property owner that both the 2001/02 and 1993/94 tax year proceedings be discontinued.

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

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RESOLUTION NO. 38

**PERFORMANCE BOND
SAWMILL
CONSTRUCTION CORP**

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

RESOLVED, that permission is granted for the Town Attorney's Office, accept and receive the Performance Bond in the sum of \$222,234.00 from Sawmill Construction Corp., as Principal, in favor of the Town of Orangetown, as Obligee, in connection with a certain subdivision known as "Beaver Creek Subdivision." The Performance Bond is collateralized by the annexed Irrevocable Letter of Credit No. 2059 dated December 20, 2002 issued by Provident Bank in favor of the Town of Orangetown, as Beneficiary: said Letter of Credit being in proper form and amount for filing from a legal standpoint.

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

RESOLUTION NO. 39

**RELEASE PERFORMANCE
BOND S & H HOMES I**

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

RESOLVED, that Performance Bond No. 08569 in the amount of \$334,000.00 from S & H Homes I is hereby released.

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

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RESOLUTION NO. 40

**CONTRACT/GOOSETOWN
COMMUNICATIONS**

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

RESOLVED, that permission is granted for the Police to contract with Goosetown Communications for installation of Verizon "T-lines" and multiplexing equipment at a cost of \$961.89 per month including maintenance based on a 5-year lease to be charged to B3120/50471.

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

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RESOLUTION NO. 41

**APPOINT/PRINCIPAL
REGISTRY CLERK/TOWN
CLERK**

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

RESOLVED, that Teresa Sebastian is hereby appointed to the position of Principal Registry Clerk in the Town Clerk's Office, provisionally, at grade 10, Step 5, annual salary of \$43,327.00 effective January 14, 2003.

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

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RESOLUTION NO. 42

**PERMISSION GRANTED
SEWER/CONFERENCE**

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

RESOLVED, that permission is granted for the Director of the Department of Environmental Management and Engineering to attend the Stormwater Management Program Workshop Series, a mandatory stormwater conference, in Fishkill, NY on Jan. 16, February 10-11, March 3-4, April 1-2, 22-23, 28-29 and May 5-6 and 20-21, 2003 at a cost of \$2,395.00 to be charged to Account #G/8110/0441/ 0480.

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

RESOLUTION NO. 43

REAPPOINT/SHADE TREE COMMISSION

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

RESOLVED, that Winifred Strakosch is re-appointed to the Shade Tree Commission for the year 2003.

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

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RESOLUTION NO. 44

PART-TIME PARKING ENFORCEMENT OFFICERS

Councilman Troy offered the following resolution, which was seconded by Councilwoman Manning and after a brief discussion was adopted on a roll call four (4) to one (1):

RESOLVED, that a request be made of the Rockland County Personnel Department for two Part Time parking enforcement officer positions to be created in the Orangetown Police Department, salary to be determined.

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

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RESOLUTION NO. 45

PERFORMANCE BOND/ORANGETOWN JEWISH CENTER

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

RESOLVED, that permission is granted to receive and file Site Plan Performance Bond dated October 28, 2002 in the amount of \$21,156.00 from the Orangetown Jewish Center as Principal, in favor of the Town of Orangetown, as Obligee.

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

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RESOLUTION NO. 46

ACCEPT MINUTES

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

RESOLVED, that the Regular Town Board and Audit minutes of December 16, 2002 are hereby accepted.

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

RESOLUTION NO. 47

**BROADACRES GOLF
LEASE AGREEMENT**

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

RESOLVED, that permission is granted for Supervisor Kleiner to sign a lease agreement between Broadacres Golf Club, Inc. and the Town of Orangetown.

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

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RESOLUTION NO. 48

ENTER AUDIT

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

RESOLVED, that this Town Board enters Audit Meeting at 9:53 PM.

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

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RESOLUTION NO. 49

PAY VOUCHERS

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

RESOLVED, that the Finance Office is hereby authorized to pay vouchers for General Fund, Town Outside Villages, Blue Hill, Highway, Sewer, Capital Projects, and Risk Retention, Water Special Districts and Utilities for a total amount of \$1,066,952.32.

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

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RESOLUTION NO. 50

**PAY MANUAL & ESCROW
CHECKS**

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

RESOLVED, that the Finance Office is hereby authorized to pay Manual Checks in the amount of \$9,550.09 and Escrow Releases in the amount of \$2,550.00, for a total amount of \$12,100.09, as per attached schedule.

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

RESOLUTION NO. 51

ENTER EXECUTIVE SESSION

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

RESOLVED, that this Town Board enters executive session to discuss particular litigation and particular personnel matters.

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

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RESOLUTION NO. 52

RE-ENTER RTBM

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

RESOLVED, that this Town Board re-enters the Regular Town Board meeting.

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

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RESOLUTION NO. 53

ADJOURNMENT/IN MEMORY OF CLARKE

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

RESOLVED, that this meeting is hereby adjourned at 11:30 PM, in memory of Irene Clarke, Orangeburg, NY.

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

CHARLOTTE MADIGAN, TOWN CLERK