

**TOWN OF ORANGETOWN
SPECIAL TOWN BOARD MEETING
EXECUTIVE SESSION
February 13, 2001**

This Special Town Board Meeting was opened at 7:10 P.M. Supervisor Kleiner presided. The Town Clerk called the roll.

Present were: Councilman Edward Fisher
Councilman Denis O'Donnell
Councilman Denis Troy

Councilman Bergman was absent.

Also Present: Charlotte Madigan, Town Clerk
Eliot Tozer, Deputy Supervisor
Thomas O'Connell, Deputy Town Attorney
Brian Shortt, Confidential Assistant to Supervisor
Charles Richardson, Director of Finance

* * *

RESOLUTION NO. 94

EXECUTIVE SESSION

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

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

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

* * *

RESOLUTION NO. 95

ADJOURNMENT

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

RESOLVED, that this Town Board Executive Session adjourns at 7:33 P.M.

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



CHARLOTTE MADIGAN, TOWN CLERK

**TOWN OF ORANGETOWN
AUDIT MEETING
February 13, 2001**

The Audit Meeting opened at 8:03 P.M. Supervisor Kleiner presided. The Town Clerk called the roll. Present were:

Councilman Robert Bergman
Councilman Edward Fisher
Councilman Denis O'Donnell
Councilman Denis Troy

Also Present: Charlotte Madigan, Town Clerk
Eliot Tozer, Deputy Supervisor
Thomas O'Connell, Deputy Town Attorney
Brian Shortt, Confidential Assistant to Supervisor
Charles Richardson, Director of Finance
Robert Beckerle, Dir., Dept. Environmental Mgt. & Eng.
Mary McCloskey, Assessor's Office
John Giardiello, Director, OBZPAE
Richard L. Rose, Jr., Supt., Parks-Rec. & Bldg. Maint.

* * *

RESOLUTION NO. 96

PAY VOUCHERS

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

RESOLVED, that the Finance Office is authorized to pay vouchers for General Fund, Town Outside Villages, Sewer, Highway, Risk Retention, Capital Projects, Blue Hill and Utilities, in the amount of \$1,874,098.55.

Ayes: Councilman Fisher, Bergman, O'Donnell, Troy
Supervisor Kleiner
Noes: None

* * *

RESOLUTION NO. 97

**PAY MANUAL CHECKS/
RELEASE ESCROW**

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

RESOLVED, that the Finance Office is authorized to issue manual checks and Escrow Release in the amount of \$8,250.00 as per attached schedule.

Ayes: Councilman Troy, Bergman, Fisher, O'Donnell
Supervisor Kleiner
Noes: None

* * *

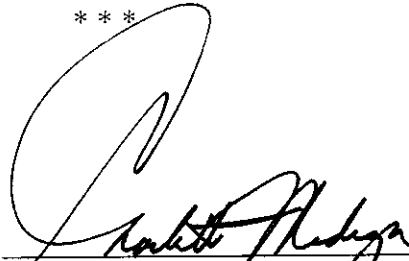
RESOLUTION NO. 98

ADJOURNMENT

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

RESOLVED, that this Audit Meeting is hereby adjourned at 7:43 P.M.

Ayes: Councilman Fisher, Bergman, O'Donnell Troy
Supervisor Kleiner
Noes: None



CHARLOTTE MADIGAN, TOWN CLERK

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
FEBRUARY 13, 2001**

The Regular Town Board Meeting was opened at 7:50 P.M. Supervisor Kleiner presided. The Town Clerk called the roll. Present were:

Councilman Robert Bergman
Councilman Edward Fisher
Councilman Dennis O'Donnell
Councilman Denis Troy

Also present:

Charlotte Madigan, Town Clerk
Eliot Tozer, Deputy Supervisor
Thomas O'Connell, Deputy Town Attorney
Brian Shortt, Confidential Assistant to Supervisor
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways
Robert Beckerle, Dir., Dept of Environmental Mgt. & Eng.
Kevin Nulty, Chief of Police
Mary McCloskey, Assessor's Office
John Giardiello, Director, OBZPAE
Richard L. Rose, Jr., Supt., Parks-Rec & Bldg. Maint.

* * *

The Pledge of Allegiance to the Flag was led by the Town Board.

Supervisor Kleiner noted that he was asked by the Association of Towns to give a lecture regarding the route 303 Moratorium. He will speak at 10:30 AM on Monday. Supervisor Kleiner also mentioned that the permanent watchfire site at Clausland Mt. will be discussed and put on the RTBM for 2-26-2001.

* * *

The public portion was opened and the following spoke:

Jeff Berman, Blauvelt, spoke re: the Zimmerman acres, which was sold and lost to the open space acquisition. Discussed safeguards that prevent this from happening in the future.

Sharon Tucker, Real Estate, mentioned numerous letters to the Town Board re: sale of the 16 Zimmerman acres, letters offered the property to the Town but never received a reply. Now, the owner, would agree to sell these 16 acres (which he purchased for \$500,000) to the Town for 1.8 million.

The Town Board all agreed that they did not receive any letters from any real estate re: the purchase of Zimmermans 16 acres. A discussion took place re: how to capture information on any land for sale in Orangetown.

Mr. Rizzo spoke on open space and the importance of the Rockland Psychiatric Center land. Discussed possibility of purchase of Rockland Psychiatric Children's Center building if this becomes available. This building could serve the Town in many ways and also has an Olympic size swimming pool.

Eileen Larkin, Palisades, mentioned Palisades Civic Association board members would like to appear before the town board workshop meetings to be able to discuss issues of concern. Spoke on Torne Valley meeting in Ramapo, health issues and mentioned the Seth House and its location.

At this time the Town Board left the public portion to open the public hearing.

RESOLUTION NO. 99

**OPEN PH/ROCKLAND CO
CONSORTIUM/TOWNS &
VILLAGES**

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

RESOLVED, that the public hearing on Rockland County Consortium of Towns and Villages Community Development Citizen Viewpoint on the 2001 Block Grant Funds is hereby opened.

Ayes: Councilmen Fisher, Troy, Bergman, O'Donnell
Supervisor Kleiner

Noes: None

The Town Clerk presented proof of publication and posting, copies are labeled Exhibit 2-A-2001 and made a part of these minutes.

The following spoke:

Sister Jude presented the plans for the Central Avenue Firehouse in Pearl River explaining through this grant the firehouse will be ADA compliant and meet all guidelines.

Gail Raffaele, Tappan, not in favor of spending these monies on the firehouse, feels monies could go to better use for a broader spectrum of people.

Glen Muller, Pearl River, explained that this facility serves all the people in the community not only in cases of fire but also in times of disasters. This firehouse would serve as a haven for all the community as it has in many emergencies.

* * *

RESOLUTION NO. 100

**CLOSE PH/ROCKLAND CO
CONSORTIUM/TOWNS &
VILLAGES**

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

RESOLVED, that this public hearing is hereby closed.

Ayes: Councilmen O'Donnell, Troy, Bergman, Fisher
Supervisor Kleiner

Noes: None

* * *

RESOLUTION NO. 101

**TB DEC/ROCKLAND CO
CONSORTIUM/TOWNS &
VILLAGES**

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

RESOLVED, that the application for Rockland County Consortium of Towns and Villages Community Development Citizens Viewpoint on 2001 Block Grant Fund is hereby adopted, a copy of which is labeled Exhibit 2-B-2001 and made a part of these minutes.

Ayes: Councilmen O'Donnell, Fisher, Bergman, Troy
Supervisor Kleiner

Noes: None

At this time the Town Board returned to regular public portion:

Betsy Brenner, Orangeburg, suggested that when a person's name is mentioned at the public portion that individual should receive a copy of what's being said. Spoke re article in the New York Post re woman stalker hospitalized and ability to escape that facility. She reiterated the importance of safety and accountability in state facilities.

Gail Raffaele, Tappan, spoke about safety and watercourse diversions and actions of the Board, and Transfer Station & Host fees.

Councilman O'Donnell wanted the changes to the Town Code re environmental issues added to the agenda for discussion. Supervisor Kleiner responded that the reason it was not added to the agenda was that John Giardiello, Director, OBZPAE and Louis Kayser, Deputy Town Attorney, were working on the language in the statute and waiting for Mr. Kayser to present a draft law for the Town Board's consideration.

Mr. Giardiello stated that he would have a draft of the law within one to two weeks

Ruth Weber, Upper Grandview, representing the Upper Grandview Association, in favor of EPA cleanup of the PCBs in the Hudson, importance of the town code revision of law re building and improvements to homes.

Betsy Brenner, spoke about deregulation of existing building problems.

Councilman Troy spoke about changes in law, spirit of the law.

Mrs. McCarty thanked Councilmen Troy and O'Donnell and Bruce Peters for their support in her plight re wall, requested time and date re finishing the wall so she can repair her property; was promised that the town would take part of the Performance Bond if not completed.

A discussion took place by Councilman O'Donnell, Bob Beckerle, Dir., Sewer Dept. and Supervisor Kleiner re the wall and what can be done to help the McCarty's, how the wall came about and Mrs. McCarty's engineer's site plan.

Bob Beckerle, Dir., Sewer Dept., stated that the wall should be completed and agreed to give daily updates regarding this project.

Anthony Zacharakis, Tappan, spoke re: watercourse diversion and the Town Board requesting a public hearing on this. Requested that the Town Clerk have other watercourse diversion files available for him to look at. Called on Mr. Giardiello and a discussion took place between them re: applications, the Department of State and compliance with the town code. Supervisor Kleiner requested Mr. Zacharakis review the form, and suggest a reasonable way to satisfy the code. Supervisor Kleiner assured him the Town Board would work with him but stressed that Mr. Giardiello was correct in not signing application as it was presented. Mr. Zacharakis requested the return of the Performance Bond for Ryerson Place.

Donald Brenner, Esq., Tappan, spoke about the open space wetlands and Sparkill Creek, he doesn't believe it's developable, therefore why purchase the land.

Chief Nulty, handed out a Rockland Psychiatric Center, list of questions and answers regarding safety issues to be discussed at the next town board meeting

* * *

RESOLUTION NO. 102

**SET DATE PH/ZONE CHANGE
LIO TO LI/DEXTER PLAZA**

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

RESOLVED, that the date of March 5, 2001, 8:00 P.M is hereby set for a public hearing to consider a zone change application by Dexter Plaza, on Tax Map Nos. 68.20/1/1-10, 68.20/1/1-20, 68.20/1/1-30, 68.20/1/1-40, 68.20/1/1-50 and 68.20/1/1-60, from LIO to LI.

Ayes: Councilmen Bergman, Fisher, O'Donnell, Troy
Supervisor Kleiner

Noes: None

* * *

RESOLUTION NO. 103

**SET DATE PH/WAIVER ROUTE
303 MORATORIUM/ROCKLAND
TOYOTA**

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

RESOLVED, that the date of March 5, 2001, 8:05 P. M. is hereby set for a public hearing to consider a request by Rockland Toyota for a waiver from Route 303 moratorium.

Ayes: Councilmen Fisher, O'Donnell, Bergman, Troy
Supervisor Kleiner

Noes: None

* * *

RESOLUTION NO. 104

**REQUIRE PH/WATERCOURSE
DIVERSIONS**

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

RESOLVED, that pursuant to Section 41-6 of the Orangetown Town Code (Rules and Regulations – Watercourse Diversion and Pollution), require a public hearing be held for Town Board consideration of any request for a watercourse diversion and establish procedures for notification of affected property owners 500' of the property line.

Ayes: Councilmen Troy, Bergman, Fisher, Troy
Supervisor

Noes: None

* * *

RESOLUTION NO. 105

**SET DATE PH/CONSIDER
REQUEST/WATERCOURSE
DIVERSION**

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

RESOLVED, that the date of March 19, 2001, 8:10 P. M., is hereby set for a public hearing to consider for a watercourse diversion re: 46 Birch Tree Park, Tappan

(continued on page 5)

RESOLUTION NO. 105 (continued)

(77.15-1-38) and receive and refer the application for same.

Ayes: Councilmen Bergman, Fisher, O'Donnell, Troy
Supervisor Kleiner
Noes: None

* * *

RESOLUTION NO. 106

ROCKLAND COUNTY/OPEN SPACE PRESERVATION

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

RESOLVED, that this Town Board hereby requests the County of Rockland acquire the properties known as 77.15-1-31, 77.20-1-1 and 77.16-1-35 for the purpose of preserving open space and providing drainage protection for Sparkill Creek.

Ayes: Councilmen Troy, Bergman, Fisher, Troy
Supervisor Kleiner
Noes: None

* * *

RESOLUTION NO. 107

OWNERSHIP/NYACK BROOK

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

RESOLVED, that this Town Board hereby requests the County of Rockland and Rockland County Drainage Agency take responsibility for and ownership of the Nyack Brook.

Ayes: Councilmen Troy, O'Donnell, Bergman, Fisher
Supervisor Kleiner
Noes: None

* * *

RESOLUTION NO. 108

MEMORIALIZING RES./ SUPPORT US EPA/PCBs HUDSON RIVER/ADOPTED

Councilman Fisher offered the following resolution, which was seconded by Councilman Troy and after much discussion by the Board members, motion to table was made by Councilman Fisher seconded by Councilman Bergman and on a roll call motion to table failed as follows: Councilman Fisher, yes; Councilman Bergman, yes; Councilman O'Donnell, no; Councilman Troy, no; Supervisor Kleiner, no.

On a roll call the original motion to adopt was carried as follows:

Ayes: Councilmen O'Donnell, Troy and Supervisor Kleiner
Noes: Councilmen Bergman, Fisher

WHEREAS, the health and beauty of the Hudson River is critical to the economic vitality of our community and the Hudson River is a treasure asset; and

WHEREAS, the Hudson River has been designated an American Heritage River, and the Valley as a National Heritage Area; and

WHEREAS, nearly 200 miles of the Hudson River – from Hudson Falls to New York City – are federal Superfund site due to polychlorinated biphenyl (PCB) contamination; and

WHEREAS, PCBs are the most significant contaminant limiting full use and enjoyment of the Hudson River; and

WHEREAS, PCBs remain in the Hudson River exposing humans and wildlife to their effects; and

WHEREAS, an estimated \$40 million annually has been lost over the last twenty years because of the closure of Hudson River commercial fisheries and restrictions on recreationally caught fish. As a result, the Hudson Valley has lost an important cultural heritage and way of life and the economic vitality of the Hudson River region continues to be hampered by the limitations on recreational use of the River and the stigma of PCB contamination; and

WHEREAS, U.S. Environmental Protection Agency (EPA) Superfund officials determined in February 1997 that PCB “hot spots” in the sediment of the upper Hudson are the “dominant source” of PCB contamination to the River, and that microbial breakdown will not rid the River of PCBs; and

WHEREAS, the EPAs Hudson River Reassessment has determined that without remediation, present levels of contamination will continue indefinitely; and

THEREFORE BE IT RESOLVED, that the Town of Orangetown hereby joins the Hudson Riverkeeper and neighboring Hudson River communities in expressing support for the finds of the proposed remediation plan in the Hudson River Reassessment being conducted by the U.S. EPA under the Superfund, and urges the EPA to complete the Reassessment and issue a Record of Decision (ROD) without delay, including the evaluation and timely implementation of remedial actions, which include environmental dredging, that can most effectively restore the Hudson River, as well as the evaluation of traditional disposal methods as well as innovative technologies that can be used to destroy PCBs. Further, the Town of Orangetown urges that the U.S. EPA full consider public opinion and complete the Hudson River Reassessment as expeditiously as possible.

* * *

RESOLUTION NO. 109

**NAME CHANGE/PVT 1ST CLASS
WM. DORSEY COURT**

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

RESOLVED, that upon the recommendation of the Superintendent of Highways, and with prior approval from the Town of Orangetown Planning Board, change the name of Private First Class William Dorsey Court to Dorsey Court.

Ayes: Councilmen Troy, Bergman, Fisher, O'Donnell
Supervisor Kleiner

Noes: None

* * *

RESOLUTION NO. 110

COMBINE AGENDA ITEMS

Councilman Bergman offered the following resolution, which was seconded by Councilman O'Donnell and was unanimously adopted:
(continued on page 7)

RESOLUTION NO. 110 (continued)

Resolved, that agenda items eleven (11) through sixteen (16) are hereby combined as one.

Ayes: Councilmen Bergman, O'Donnell, Fisher, Troy
Supervisor Kleiner
Noes: None

* * *

RESOLUTION NO. 111

**ADV. BIDS/CAST IRON CURB
INLETS**

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

RESOLVED, that the Town Clerk is hereby authorized to advertise for bids for Cast Iron Curb Inlets, and, Be It

RESOLVED FURTHER, that bids are to be received by 10:30 A.M., March 7, 2001, 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 Town Board Meeting. (Supt. of Highways)

Ayes: Councilmen Bergman, O'Donnell, Bergman, Troy
Supervisor Kleiner
Noes: None

* * *

RESOLUTION NO. 112

**RECEIVE/FILE PERFORMANCE
BOND/NOTTINGHAM ESTATES**

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

RESOLVED, that Performance Bond, Surety Bond No. UB-0238594, in the amount of \$486,071, dated May 3, 1999, as Surety in favor of the Town of Orangetown, in connection with the subdivision known as Nottingham Estates , Tax Map No. 69.08/1/4, (Town Attorney & PB#98-217 and #99-28).

Ayes: Councilmen Bergman, O'Donnell, Fisher, Troy
Supervisor Kleiner
Noes: None

* * *

RESOLUTION NO. 113

**LEGALPROCEEDINGS/MIRQUE
PRODUCTS**

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

RESOLVED, that the Town Attorney is hereby authorized to institute legal proceedings against Mirque Products for outstanding sewer charges.

Ayes: Councilmen Bergman, O'Donnell, Fisher, Troy
Supervisor Kleiner
Noes: None

RESOLUTION NO. 114

**TRANSFER MONIES/PARKING
METER ACCT**

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

RESOLVED, that the transfer of \$100.00 from the Parking Meter Account to the Parking Meter Capital Reserve Account is hereby authorized.

Ayes: Councilmen Bergman, O'Donnell, Fisher, Troy
Supervisor Kleiner
Noes: None

* * *

RESOLUTION NO. 115

**AUTHORIZE PAYMENT
ACCOCELLA**

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

RESOLVED, that upon the recommendation of the Orangetown Housing Authority, authorize payment of \$2,000 to Vincent Accocella, Architect, for professional services rendered for the proposed parking lot on Highview Ave in Orangeburg, charge to account H898900250200.

Ayes: Councilmen Bergman, O'Donnell, Fisher, Troy
Supervisor Kleiner
Noes: None

* * *

RESOLUTION NO. 116

**ASSUME RESPONSIBILITY
SETH HOUSE**

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

RESOLVED, that the Town of Orangetown assume responsibility of the Seth House after it is moved from its current location to a new site satisfactory to the Town.

Ayes: Councilmen Bergman, O'Donnell, Fisher, Troy
Supervisor Kleiner
Noes: None

* * *

RESOLUTION NO. 117

ACCEPT MINUTES

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

RESOLVED that the minutes of the Regular Town Board and Special Town Board meetings of January 29, 2001 are hereby accepted.

Ayes: Councilmen Bergman, O'Donnell, Fisher, Troy
Supervisor Kleiner
Noes: None

* * *

RESOLUTION NO. 118

**APPT ASST COURT CLERK
BARBARA HOF SOMMER**

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

RESOLVED that Barbara Hofsommer is hereby appointed to the position of Assistant Court Clerk in the Justice Department, provisionally, grade 10-4, at an annual salary of \$40,050.00, effective February 14, 2001.

Ayes: Councilmen Bergman, O'Donnell, Fisher, Troy
Supervisor Kleiner
Noes: None

* * *

RESOLUTION NO. 119

**DECLARE EMERGENCY
LESTER DRIVE SEWER LINE**

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

RESOLVED, that an emergency is hereby declared for the purpose of repairing the sewer line on Lester Drive as quickly as possible, And, Be It

RESOLVED FURTHER, that necessary expenditures are authorized upon prior approval of the Town Board.

Ayes: Councilmen O'Donnell, Troy, Bergman, Fisher
Supervisor Kleiner
Noes: None

* * *


RESOLUTION NO. 120

ADJOURNMENT/MEMORY

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

RESOLVED, that this meeting is hereby adjourned at 10:25 P. M. in memory of Gregory Carney, Robert Levin and Laura Welborn Oswald.

Ayes: Councilmen Fisher, Troy, Bergman, O'Donnell
Supervisor Kleiner
Noes: None


CHARLOTTE MADIGAN, TOWN CLERK