

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MARCH 11, 2002**

The Regular Town Board Meeting was opened at 7:40 P.M. Supervisor Kleiner presided. The Town Clerk called the roll. Present were:

Councilman Edward Fisher
Councilman Dennis 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
Denise Sullivan, Deputy Town Attorney
Suzanne Barclay, Confidential Assistant to Supervisor
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways
Kevin Nulty, Chief of Police
Robert Simon, Receiver of Taxes
Bert von Wurmb, Assistant Building Inspector, OBZPAE
Michael B. Bettman, Fire Safety Inspector, Fire Prevention Bureau

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The Pledge of Allegiance to the Flag was led by the Town Clerk, Charlotte Madigan

Supervisor Kleiner read the names of those Orangetown residents lost on September 11, 2001. A moment of silence was observed in their memory.

Police Officer John D'Allara
Sean Fegan
Captain Fred J. Ill, Jr.
Laura Pettus Longing
William Lum, Jr.
Firefighter Dennis P. McHugh
Firefighter Robert William McPadden
Firefighter Vincent Princiotta
Firefighter Kevin Reilly
Firefighter Michael Roberts
Battalion Chief Fred Scheffold, Jr.
Weibin Wang
James Wood

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ANNOUNCEMENTS:

Supervisor Kleiner recognized the Pearl River School District as recipients of the **Malcolm Balridge Award** presented to them by President Bush.

The Route 9W Viaduct completion date is revised for the end of August. Mrs. Lynch's 3rd grade came to support their classmate Claudia Dimuro, a student at Lincoln Avenue. Claudia read a letter concerning her suggestion for keeping the Theatre opened in Pearl River.

RPC Update, included the proposals for town houses and what impacts this would have on the Pearl River School District. The proposal included Town Houses and assisted living for seniors.

The public portion was opened and the following spoke:

Paul Malone, Tappan, spoke about importance of the ethics of members on the land use boards. In particular in reference to Section 1-5H concerning conflicts that should be addressed by persons serving on the board.

Ellen McCarty, Tappan, concerned about the capping on her stone wall. Believes the project should be finished properly.

Ted DeBarry, Tappan, questioned the ethical decisions made by the Ethics Board. Concerned the failure of Board members to disclose any possible financial conflicts of interest for the past two years as required by the Ethics Code. Did the new members meet these requirements? What constitutes conflict of interest?

Tim Finn, Blauvelt, Western Highway and Greenbush should be kept 2 way. No left turns by Military Housing .

Supervisor Kleiner advised that Holt Drive will be back on the agenda when a questionnaire sent by the OTPD is completed by residents.

Jeff Coopersmith, from the Board of Directors of the Henry Kaufmann Campgrounds, Inc. in Pearl River, spoke. He said that 100 acres make up the campgrounds and the Board of Directors needs to see how this is considered in the Comprehensive Plan. Would like all papers referring to this for his review and then would like to make recommendations to the Town Board regarding the impact of the grounds on the Town and the School District.

Supervisor Kleiner, The Rockland Municipal Planning Federation Dinner on March 18th will address the Drought In Rockland County.

RESOLUTION NO. 147

COMBINE AGENDA ITEMS

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

RESOLVED, that agenda items one (1) through eight (8) are hereby combined as one.

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

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RESOLUTION NO. 148

PR/CHAMBEROF/COMMERCE EASTER/EGG

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

RESOLUTION NO. 148 (continued)

RESOLVED, that the request by the Pearl River Chamber of Commerce to use 18 town barrels and 3 barricades for its annual Easter Egg Hunt on Sunday, March 24th, 2002, is hereby approved.

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

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RESOLUTION NO. 149**HIST. SOCIETY OF NYACKS/
JOHN EDWARD GREEN
HISTORIC SITE**

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

RESOLVED, that this Town Board supports the efforts of the Historical Society of the Nyacks and strongly urges AT&T to donate the property at 29 Main Street to the Historical Society of the Nyacks to be part of the John Edward Green Historic Site.

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

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RESOLUTION NO. 150**R/F CO-SPONSORED FUNDING
SO ORANGETOWN ELEM.
SCHOOL IPTA**

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

RESOLVED, that the copy of the Co-Sponsored Funding Agreement between the Town of Orangetown and South Orangetown Elementary School IPTA after School Program for the year 2001, amount of \$900.00, is hereby received and filed.

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

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RESOLUTION NO. 151**ELECTION OF BAISLEY
BLAUVELT VOLUNTEER FIRE**

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

RESOLVED, that the election of Christopher Baisley to the position of firefighter at the Blauvelt Volunteer Fire Co., Inc., is hereby approved.

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

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RESOLUTION NO. 152**ESTABLISH 3 NEW POSITIONS
ENV. MGT. & ENGINEERING**

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

RESOLVED, that three new Laborer positions, in Environmental Management & Engineering Department, Grade 9, effective March 12, 2002, is hereby established.

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

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RESOLUTION NO. 153**APPT. HOWARD/LABORER
POSITION/ENV.MGT.&ENG.**

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

RESOLVED, that John Howard is hereby appointed to the position of Laborer, provisionally, in the Sewer Department, grade 9-1, at an annual salary of \$35,929.00, effective March 12, 2002.

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

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RESOLUTION NO. 154**APPT. OCONNELL/LABORER
POSITION/ENV.MGT.&ENG.**

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

RESOLVED, that Kevin O'Connell is hereby appointed to the position of Laborer, provisionally, in the Sewer Department, grade 9-1, at an annual salary of \$35,929.00, effective March 12, 2002.

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

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RESOLUTION NO. 155**APPT. WINTERSTEIGER
LABORER POSITION/ENV.
MGT. & ENG.**

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

RESOLVED, that John Wintersteiger is hereby appointed to the position of Laborer, provisionally, in the Sewer Department, grade 9-1, at an annual salary of \$35,929.00, effective March 12, 2002.

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

RESOLUTION NO. 156**TABLED/APPROVE AMEND-
MENT LEASE AGREEMENT
OMNIPOINT COMMU.**

Councilman Troy made a motion to table the following resolution, which was seconded by Councilman O'Donnell and on a roll call failed to carry as follows: Councilpersons Troy, aye; O'Donnell, aye; Councilpersons Fisher, no; Manning, no; Supervisor Kleiner, no.

RESOLVED, that this Board approves the amendment to lease agreement between the Town of Orangetown and Omnipoint Communications Inc., a wholly owned subsidiary of Voicestream Wireless, to permit Omnipoint Communications to add 6 (six) additional antennae's to their existing tower located at the Town of Orangetown Sewer Department building at 127 Route 303 at an additional rental cost of \$250.00 per month.

After further discussion, Councilman Fisher motioned to TABLE, seconded by Councilwoman Manning and on a roll call motion to TABLE carried as follows:

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

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RESOLUTION NO. 157 *Amended Res # 244* **AGREEMENT/RETAIN**
RTBM 4/22/02 **CICCOTTO/CONSULTANT**

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

RESOLVED, that the Supervisor is hereby authorized to execute and deliver a retainer agreement with Peter Ciccotto, P.E., Bayside, NY as the Town's expert consultant, construction claims investigator and analyst to provide litigation and trial support, and act as an expert witness to the Town including his testimony at trial regarding litigation between Trataros Construction, Inc., as contractor, and the Town of Orangetown as owner, concerning the Town's wastewater treatment plant expansion project, at an independent contractor compensation rate of \$100.00 per hour, not to exceed 250 hours.

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

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RESOLUTION NO. 158**SET DATE PH/AMEND LL3,1964
VEHICLES&TRAFFIC/INCORP.
POLICE REGULATIONS**

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

RESOLVED, that the date of April 8, 2002, 8:00 P.M., is set for a public hearing to consider amending Local Law No. 3, 1964 (Chapter 39 of the Code of the Town of Orangetown entitled "Vehicles and Traffic"), to incorporate the Police Regulations adopted by Resolutions of the Town Board in 1999 and 2000.

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

RESOLUTION NO. 159**RESCIND RES. 127/02/SET
DATE PH/AMEND LL 6, 1967/VEH
ICLES & TRAFFIC/SHOPPING
PLAZAS**

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

RESOLVED, that Resolution No. 127/02 is hereby rescinded and the date of Monday, April 8, 2002, 8:00 P.M., is hereby set for a public hearing to consider amending Local Law No. 6, 1967 (Chapter 40 of the Code of the Town of Orangetown entitled "Vehicle and Traffic Regulations: Shopping Plazas") related to the regulation of traffic and handicapped parking on private property.

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

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RESOLUTION NO. 160**SET DATE PH/AMEND LL 3, 1964
VEHICLES & TRAFFIC/FIRE
LANES**

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

RESOLVED, that the date of Monday, April 8, 2002, 8:00 P. M. is hereby set for public hearing to consider amending Local Law No. 3, 1964 (Chapter 39 of the Code of the Town of Orangetown entitled "Vehicles and Traffic") which involves the designation of fire lanes throughout the Town.

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

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RESOLUTION NO. 161**RELEASE RFORMANCE
BOND/CONO RECYCLING**

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

RESOLVED, that release of performance bond in the amount of \$35,000 for Cono Recycling Corporation, Account #687 145 6893, for contract that expired on January 31, 2001, is hereby approved.

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

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RESOLUTION NO. 162**R/F AMENDED RC STREAM
CONTROL ACT**

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

RESOLUTION NO. 162 (continued)

RESOLVED, that the copy of amended Rockland County Stream Control Act is hereby received and filed.

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

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RESOLUTION NO. 163**CERT. OF REG. (PLUMBERS
LICENSE) 2002**

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

RESOLVED, that the Certificates of Registration (Plumbers' License) 2002 for Tappan Landscaping, Inc., Tappan, NY, and Monsey Excavating, Inc., Monsey, NY, are hereby approved.

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

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RESOLUTION NO. 164**AWARD BID/HEAVY DUTY
PLOW TRUCK /ACCESSORIES**

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

Whereas the Town Clerk duly advertised for sealed bids for one new heavy duty plow truck with accessories, which were received and publicly opened on February 15, 2002, and

Whereas, these bids were referred to James Dean, Superintendent of Highways, for recommendation and report, a copy is labeled Exhibit 3-A-02, and made a part of these minutes, Now, Therefore, Be It.

RESOLVED, that the bid for the purchase of one new heavy duty plow truck with accessories to Deluxe International Trucks of Hackensack, NJ in the amount of \$149,990.00, the lowest qualified bidder.

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

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RESOLUTION NO. 165**GREEN WASTE REMOVAL
PROGRAM/HIGHWAY DEPT.**

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

RESOLVED, that the Highway Department's Green Waste Removal Program, is hereby approved.

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

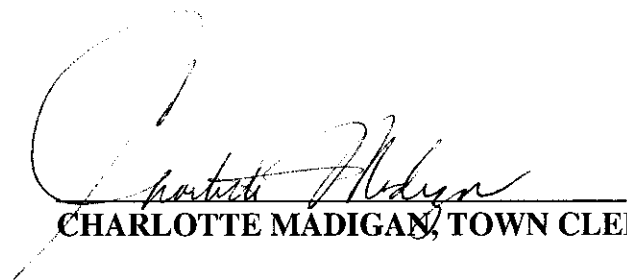
RESOLUTION NO.166

**ADJOURNMENT IN MEMORY
OF LAUREN K. BUONOCORE**

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

RESOLVED, that this meeting adjourns at 9:03 P. M., in memory of Lauren K. Buonocore.

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



CHARLOTTE MADIGAN, TOWN CLERK

**TOWN OF ORANGETOWN
AUDIT MEETING
MARCH 11, 2002**

The Audit Meeting was opened at 9:05 P.M. Supervisor Kleiner presided.
The Town Clerk called the roll. Present were:

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

Also present: Charlotte Madigan, Town Clerk
Eliot Tozer, Deputy Supervisor
James K. Riley, Town Attorney
Thomas O'Connell, 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
Robert Simon, Receiver of Taxes

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RESOLUTION NO. 167

PAY VOUCHERS

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

RESOLVED, that the Finance Office is authorized to pay vouchers for General Fund, Town Outside Villages, Blue Hill, Highway, Sewer, Capital Projects, Risk Retention, and Utilities in the total amount of \$675,042.96.

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

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RESOLUTION NO. 168

**PAY MANUAL CHECKS
RELEASE ESCROW**

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

RESOLVED, that the Finance Office is authorized to issue manual checks in the amount of \$7,919.55, and release escrow in the amount of \$550.00, for a total of \$8,469.55, as per attached schedule.

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

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RESOLUTION NO. 169

ADJOURNMENT

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

RESOLUTION NO. 169 (continued)

RESOLVED, that this Town Board executive session adjourns at 9:30 P.M.

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

Noes: None



CHARLOTTE MADIGAN, TOWN CLERK

**TOWN OF ORANGETOWN
SPECIAL TOWN BOARD MEETING
EXECUTIVE SESSION
MARCH 11, 2002**

The Special Town Board Meeting was opened at 9:40 P.M. Supervisor Kleiner presided. The Town Clerk called the roll. Present were:

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

Also present:

Charlotte Madigan, Town Clerk
Eliot Tozer, Deputy Supervisor
James K. Riley, Town Attorney
Thomas O'Connell, Deputy Town Attorney
Suzanne Barclay, Executive Asst. to Supervisor
Charles Richardson, Director of Finance
Kevin A. Nulty, Chief of Police

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RESOLUTION NO. 170

ENTER EXECUTIVE SESSION

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

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

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

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RESOLUTION NO. 171

ADJOURNMENT

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

RESOLVED, that this Town Board executive session adjourns at 10:40 P.M.

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


CHARLOTTE MADIGAN, TOWN CLERK