

**TOWN OF ORANGETOWN
SPECIAL TOWN BOARD MEETING
EXECUTIVE SESSION
July 23, 2001**

This Special Town Board Meeting was opened at 7:25 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
James K. Riley, Town Attorney
Thomas O'Connell, Deputy Town Attorney
Brian Shortt, Confidential Assistant to Supervisor
Charles Richardson, Director of Finance

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RESOLUTION NO. 423

EXECUTIVE SESSION

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

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

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

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RESOLUTION NO. 424

ADJOURNMENT

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

RESOLVED, that this Town Board Executive Session adjourns at 7:40 P.M.

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

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CHARLOTTE MADIGAN, TOWN CLERK

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
JULY 23, 2001**

The Regular Town Board Meeting was opened at 7:55 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
James K. Riley, Town Attorney
Thomas O'Connell, Deputy Town Attorney
Margaret T. Smith, Deputy Town Clerk
Brian Shortt, Confidential Assistant to Supervisor
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways
Robert Beckerle, Dir., Dept of Environmental Mgt. & Eng.
Terrence Sullivan, Police Captain
Robert Simon, Receiver of Taxes
Brian Kenney, Assessor
Mary McCloskey, Assessor's Office
John Giardiello, Director, OBZPAE,
Richard L. Rose, Jr., Supt., Parks-Rec. & Bldg. Maint.

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

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Supervisor Kleiner advised that on Tuesday, July 24th there will be a joint Town Board/Land Use Board meeting in Town Hall at 7:00 P.M. to discuss Route 303 study, land use issues, bonds, etc.

Councilman Troy noted the importance of having a meeting as soon as possible to address the suggestions in Timothy Hopkins letter on the workings of the Boards and establishing a flow diagram of process from one Board to another.

Supervisor Kleiner also advised that on Wednesday, July 25th there will be a Train Whistle Study Meeting at the Rockland County Fire Training Center, 7 – 10 P.M., and the issue of quiet zone in Blauvelt and other places will be raised.

The Supervisor noted that Maryanne Walker received the Civilian Service Award from the Rockland County Crime Prevention Bureau as a result of her years of service to the Orangetown Youth Court.

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The Town Board discussed locations and dates for pool tour.

Supervisor Kleiner noted that the Intermunicipal Agreement for G.U.A.R.D. will be adjusted to eliminate payment of \$1,000 for the purpose of joining.

Councilman Troy noted that he was concerned with the outside liability in terms of any future litigation.

Supervisor Kleiner said that upon receipt of the agreement, he would have the Town Attorney review it for those purposes. He said there will be resolutions under new business for the open space purchase of Blake Property, increase in salary for the Board of Assessment Review, and settlement of Marycrest lawsuit.

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The public portion was opened and the following spoke:

Ian Sudman, Orangeburg, asked the Board for a monetary donation for his Eagle Scout project around the museum.

Mary Cardenas, Museum Director, spoke in support of this important project, saying it would enhance the museum's grounds.

A discussion took place on the legality of a contribution from the Town Board, and the setting of a precedent on this matter.

Mr. Trainer, Mayor of Piermont, explained to the Town Board reason for the percentage increase for permits. He explained charges for residents vs. non-residents, \$24,600.00 revenue from permits, but he indicated that increase was mostly to reduce vehicle traffic. A discussion took place between the Town Board and the mayor indicating break down of percentage and why residents vs. non-residents will be affected. Also important to know Village vs. outside of Village but all are Orangetown citizens. The Mayor indicated that free day passes can be obtained at the Village Hall and Senior Citizens receive discounted permits.

Councilman Bergman spoke on the Town of Orangetown extending equitable treatment and courtesies to the Village on our recreation programs, and suggested that the Village consider courtesies to the residents of Orangetown with a modification of the rate.

Mayor Trainer said that he would bring the suggestion back to the Board.

Supervisor Kleiner asked the Mayor to bring Mr. Bergman's request back and to request the Trustees to consider leaving at least the Orangetown rate at the present one.

Eileen Fertiz, Tappan, addressed the problems with buses and trucks on Lexington Road, would like speed limit reduced to 5mph from 30mph, and buses stopped from using the road.

Supervisor Kleiner referred to Sergeant Fisher's June 7th letter to the Safety Director of the Red and Tan Lines regarding issues, and the possibility of the Traffic Advisory Board imposing weight restrictions, and preventing commercial vehicles from using the road.

Brett Brevetti, Tappan, re management of Red & Tan Lines said Orangetown Police Department rerouted traffic from Grant Street to Lexington Road, and concerned with high influx of traffic.

John Brevetti, Tappan, said that the problem began when buses could no longer turn around at the 76 House and the traffic was redirected.

In answer to Councilman O'Donnell, Captain Terrence Sullivan said that it is not a norm for bus companies to use side streets like Lexington Road. He said that he will check with Sergeant Fisher on amending this situation and noted that bus companies are always cooperative.

Upon discussion it was noted that the weight limit issue would probably deal with both trucks and buses.

James Dean, Superintendent of Highways, noted that he checked with the Department of Transportation, and Lexington Road is not on the Federal Aid to Highway list as is Oak Tree Road and Washington Street. Therefore, the Town has the prerogative to restrict

heavy trucks provided there is no business located in that area or there is another route for them to get to that business. Councilman Fisher noted the reason we use no through trucking. Weight limit and no through trucking were discussed, will have to find out if summons can be issued to buses under this. Mr. Dean believes if the Town asks the Bus Company not to use that route they will comply, and, to prevent any truck from going through, a weight limit can be put on.

Supervisor Kleiner re need to correct language for Lexington Road, the resolution would have to say “subject to the final review and approval of the Town Attorney, the Superintendent of Highways and the Chief of Police”.

Terrence Sullivan, Police Captain said that he will contact the Red and Tan Coach USA tomorrow and ask them not to use this route.

Councilman Troy asked that as a minimum the Town stop the trucking, if the bus company complies, put up the “no through trucking” signs now, and next month address the weight limit issue.

Mike Quevedo, Tappan, concerned regarding traffic including bus and trucks on a small residential street.

Laura Quevedo, Tappan, concerned re temporary fix would like a more permanent solution.

Joe Sassano, Orangeburg, and Hugh Duffy, Tappan, re Orangeburg Fire Department covering for Spring Valley, sent a truck that the Commissioner had requested not be taken because they believed it would be safer. They asked the Board for their support at a hearing tomorrow night on this at the Board of Fire Commissioners meeting. They noted that they have the support of the surrounding Fire Chiefs and the Fire Inspector.

Helen McCarty, Tappan, re copy of letter to Mr. Herskowitz requesting completion of wall or Town would pull the bond.

A discussion took place between the Town Board, believed enough time elapsed for completion of work and recommended pulling the bond.

James Riley, Town Attorney, indicated letter of notice should be sent before the bond is pulled.

Shelly Morgan, Tappan, said that as a resident of Orangetown he should have a right to use the Piermont Pier at no charge, end of Pier is in Orangetown.

Fred Baldus, Pearl River, re Pier is in Sparkill, Ferry Road is 23 feet wide and is a roadway built in 1849, annoyed that all residents are not charged the same.

Supervisor Kleiner resumed issue of recalling Herskowitz Bond. A discussion took place. James Riley, Town Attorney, advised that within five days a letter would be sent to Mr. Herskowitz on pulling the bond with a copy to Mrs. McCarty.

Gail Raffaele, Tappan, discussed endorsements and newspapers, political funds and disclosure, ethics code, and legislation changes should be available to the public for review.

Eileen Larkin, Palisades, addressed the Board regarding the delay of Mrs. McCarty's wall and the lack of cooperation of Mr. Herskowitz. Also addressed issues of traffic and safety on Lexington Road, Tappan.

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RESOLUTION NO. 425

**SET DATE P/H ADOPT LL
AMEND LL 4/69 CH 43/ZONE
CHANGE/ELWIN ST**

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

RESOLVED, that date of August 20, 2001, 8:00 P.M., is hereby set for a public hearing to consider adoption of a proposed local law amending Local Law No. 4, 1969 (Ch. 43 of the Code of the Town of Orangetown entitled "Zoning") zone change of the east side of Elwin Street from Madison Avenue on the South to Jefferson Street on the North, Pearl River, Section 68.19, Block 4, Lots 28.1; 28.2; 27; 26; and 25, from CO to RG (Town Attorney).

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

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RESOLUTION NO. 426

**RECEIVE/FILE AGREEMENT
NOBLE NINTH**

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

RESOLVED, that the executed Letter of Agreement between the Noble Ninth, Inc. and the Town of Orangetown for Summer Day Camp, July 2, 2001 through August 10, 2001, at German Masonic Campgrounds is hereby received and filed (Town Attorney)

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

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RESOLUTION NO. 427

REAPPOINT/ASSESSOR

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

RESOLVED, that Brian Kenney is hereby re-appointed to the position of full time Assessor for the Town of Orangetown for a six (6) year term, effective October 1, 2001 through September 30, 2007.

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

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RESOLUTION NO. 428

**ADOPT/CURRENT BASE &
ADJUSTED BASE
PROPORTIONS**

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

RESOLVED, that the Town Board hereby adopts Certificate of Current

(continued on page 5)

RESOLUTION NO. 428 (continued)

Base Proportions and Adjusted Base Proportions (Form 6703) pursuant to Article 19 Section 1903 of the Real Property Tax Law for the Levy of Taxes on the 2001 Assessment Roll, and the Town Clerk is hereby authorized to affix Town Certification, and, Be It

RESOLVED FURTHER, that a copy of said figures is labeled Exhibit 7-A-01 and made a part of these minutes (Town Assessor).

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

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RESOLUTION NO. 429

COMBINE AGENDA ITEMS

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

Resolved, that agenda items five (5) through thirty (30) are hereby combined as one.

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

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RESOLUTION NO. 430

**AUTHORIZE/INCREASE
NYACK TRUNK SEWER
REPAIR**

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

RESOLVED, that the contract for the Nyack Trunk Sewer Rehabilitation Project (Change Order #7) is hereby amended to reflect an increase of \$10,860.35, from \$535,372.50 to \$546,232.85, to be charged to account H8120802/50200 (Dir. Dept. of Environmental Mgt. & Eng.).

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

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RESOLUTION NO. 431

**APPROVE CERTIFICATE OF
REGISTRATION/2001**

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

RESOLVED, that Certificate of Registration (Plumber's License) for 2001 for James R. Guittari, Inc., Greenwood Lake, New York, is hereby approved (Dir. Dept. of Environmental Mgt. & Eng. & Town Attorney).

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

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RESOLUTION NO. 432 *Rescinded/Readvertise*
Res 499-RTBM 8/20/01 **RE-ADVERTISE/DEMOLITION
HOUSE/CONSTRUCTION
PARKING LOT/LIGHTING
CORTWOOD SENIOR
HOUSING**

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

RESOLVED, that the Town Clerk is hereby authorized to re-advertise for sealed bids for the demolition of a house and the construction of a parking lot and lighting at Cortwood Senior Housing, and, Be It

RESOLVED FURTHER, that bids are to be received by 10:30 A.M., August 9, 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 regular Town Board Meeting (Dept. of Environmental Mgt. & Eng.).

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

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RESOLUTION NO. 433 **MEMORIALIZING RESOL
REDUCE SPEED LIMIT
ROUTE 340**

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

WHEREAS, the high rate of speed of cars traveling on Route 340 in Palisades and Sparkill has become a cause of concern to both residents of the area, as well as traffic safety experts; and

WHEREAS, the Orangetown Traffic Advisory Board has examined the problem and has recommended that the Speed limit on Route 340 be reduced from 40 miles per hour to 35 miles per hour from the New Jersey State Line to the intersection of Route 340 and Valentine Avenue; and

WHEREAS, the length of Route 340 running along the Palisades-Sparkill Little League fields is an area of particular concern because of the concentration of children using the fields; Now, Therefore, Be It

RESOLVED, that the Town Board of the Town of Orangetown requests that the New York State Department of Transportation lower the posted speed limit on Route 340 to 35 miles per hour from the New Jersey State Line to the intersection of Route 340 and Valentine Ave.; and Be It

RESOLVED FURTHER, that the Town Board of the Town of Orangetown requests that the New York State Department of Transportation take immediate steps to reduce the speed limit on the section of Route 340 adjacent to the Palisades-Sparkill Little League Fields (Traffic Advisory Board).

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

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RESOLUTION NO. 434 See Resolution No. 236
4/14/03 **ADOPTED/POLICE REGS
LEXINGTON RD & CONCORD
DRIVE/TAPPAN**

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

RESOLVED, that Police Regulations for a six month trial period "No through trucking" on Lexington Road and Concord Drive in Tappan, subject to final review and approval of the Town Attorney, Superintendent of Highways and Chief of Police is hereby approved, and, be it

RESOLVED FURTHER, that the Highway Department is hereby authorized to install signs (Traffic Advisory Board).

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

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RESOLUTION NO. 435 See Resolution No. 236
4/14/03 **ADOPTED/POLICE REGS
HIGHVIEW AVE
ORANGEBURG**

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

RESOLVED, that Police Regulations for a six month trial period, installation of "Stop" signs on Highview Avenue, Orangeburg, east of Western Highway, one sign is to be placed East of the railroad crossing and one sign is to be placed on West Side of railroad crossing at Western Highway, and, be it

RESOLVED FURTHER, that the Highway Department is hereby authorized to install signs (Traffic Advisory Board).

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

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RESOLUTION NO. 436 See Resolution No. 236
4/14/03 **ADOPTED/POLICE REGS
SWANNEKIN RD/BLAUVELT**

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

RESOLVED, that Police Regulations for a six month trial period, installation of "No Parking" signs on either side of Swanekin Road, for 300 feet in a southerly direction from the intersection with Blauvelt Road, Blauvelt.

RESOLVED FURTHER, that the Highway Department is hereby authorized to install signs (Traffic Advisory Board).

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

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RESOLUTION NO. 437

ACCEPT MINUTES

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

RESOLVED, that the Regular Town Board minutes of June 11, and 25, 2001, Audit minutes of June 25, 2001, and Special Town Board minutes of June 18, 25 and July 16, 2001 are hereby accepted (Town Clerk).

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

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RESOLUTION NO. 438

**GRANT PERMISSION/POLICE
ZIMMERMAN**

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

RESOLVED, that permission is hereby granted to Lt. Robert Zimmerman to attend the 2001-2002 Leadership Rockland program, from September 10, 2001 to May 6, 2002, for a total cost of \$1,000.00, to be charged to account B/3120/0441 (Police Dept.).

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

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RESOLUTION NO. 439

**REAPPOINT/BJA ADVISORY
BOARD/BLOCK GRANT
APPLICATION**

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

RESOLVED, that the following are hereby re-appointed to the Advisory Board for Bureau of Justice Assistance for funding purposes for 2001 for the Local Law Enforcement Block Grant Program (Police Dept):

- Detective Sergeant Douglas MacDonnell, Orangetown Police Dept.
- Michael Bongiorno, Rockland County District Attorney
- Stephen Moore, Rockland Co. Chief Assistant District Attorney
- Judge Paul Phinney, Orangetown Town Justice
- Renee Halperin, Nyack Village Court Clerk
- Roger Guccione, Assistant Principal, Tappan Zee High School
- Laurie Reynolds, Executive Director, Nyack Chamber of Commerce

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

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RESOLUTION NO. 440

**APPROVE/EXTENSION
CARETAKER AGREE/BELLO
BLUE HILL RD RESIDENCE**

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

RESOLVED, that extension of the Caretaker agreement with an 8% increase between the Town of Orangetown and Steven Bello for the residence located on Blue Hill Road on the grounds of the Blue Hill Golf Course, effective August 1, 2001 through July 31, 2002, is hereby approved, and, Be It

RESOLVED FURTHER, that the Supervisor is hereby authorized to execute same (Town Attorney & Parks, Recreation & Bldg. Maintenance).

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

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RESOLUTION NO. 441

**APPROVE/EXTENSION
CARETAKER AGREE
LIMINARDI/BORST
MEMORIAL PARK**

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

RESOLVED, that extension of the Caretaker agreement with an 8% increase between the Town of Orangetown and Anthony Limandri for the Borst Memorial Park, Pearl River, effective August 1, 2001 through July 31, 2002, is hereby approved, and, Be It

RESOLVED FURTHER, that the Supervisor is hereby authorized to execute same (Town Attorney & Parks, Recreation & Bldg. Maintenance).

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

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RESOLUTION NO. 442

**APPROVE/EXTENSION
CARETAKER AGREE
MIGGINS/NIKE LANE**

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

RESOLVED, that the extension of the Caretaker agreement with an 8% increase between the Town of Orangetown and Mary and Edward Miggins for Nike Lane, Orangeburg, effective August 1, 2001 through July 31, 2002, is hereby approved, and, Be it

RESOLVED FURTHER, that the Supervisor is hereby authorized to execute same (Town Attorney & Parks, Recreation & Bldg. Maintenance).

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

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RESOLUTION NO. 443

**AWARD/BID/SEDIMENT REMOVAL
VETERAN'S MEMORIAL PARK**

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

Whereas the Town Clerk duly advertised for sealed bids for Sediment Removal from Veteran's Memorial Park Pond, which were received and publicly opened on July 10, 2001, and

Whereas, these bids were referred to the Superintendent of Parks, Recreation & Building Maintenance for recommendation and report, a copy is labeled Exhibit 7-B-01, and made a part of these minutes, Now, Therefore, Be It

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation & Building Maintenance, the contract for sediment removal at Veteran's Memorial Park in the amount of \$138,465.00, per FEMA Project, is hereby awarded to Let It Grow, Inc., River Edge, New Jersey, the lowest qualified bidder (Parks, Recreation & Bldg. Maintenance).

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

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RESOLUTION NO. 444

**REJECT BIDS/READVERTISE
PATHS/BLUE HILL GOLF
COURSE**

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

Whereas, the Town Clerk duly advertised for sealed bids for the repair and rehabilitation of asphalt paths at Blue Hill Golf Course, which were received and publicly opened on July 17, 2001, and

Whereas, these bids were referred to the Superintendent of Parks, Recreation and Building Maintenance for recommendation and report, a copy is labeled Exhibit 7-C-01, and made a part of these minutes, Now, Therefore, Be It

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation & Building Maintenance, the sole bid received for cart path repairs at the Blue Hill Golf Course is hereby rejected, and, Be It

RESOLVED FURTHER, that the Town Clerk is hereby authorized to re-advertise for sealed bids for cart path repairs at the Blue Hill Golf Course, and, Be It

RESOLVED FURTHER, that bids are to be received by 10:30 A.M., September 4, 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 regular Town Board Meeting.

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

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RESOLUTION NO. 445 *revised Res #491
RTBM 8/20/01*

**ADVERTISE BIDS/PRO SHOP
IMPROVEMENTS/BLUE HILL
GOLF COURSE**

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

RESOLVED, that the Town Clerk is hereby authorized to advertise for sealed bids for the Pro Shop Improvements at Blue Hill Golf Course, and, Be It

RESOLVED FURTHER, that bids are to be received by 10:30 A.M., ~~August 30, 2001~~, and be publicly opened and read aloud at 11:00 A.M., and, Be It *Sept. 13, 2001*

RESOLVED FURTHER, that a report of all bids received and recommendation concerning the award is to be made at a regular Town Board Meeting (Parks, Recreation & Bldg. Maintenance).

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

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RESOLUTION NO. 446

**APPROVED/TRANSFER
SUBDIVISION TRUST
FUND/PARKS CAPITAL
ACCOUNT**

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

RESOLVED, that the transfer of \$24,000 from the Subdivision Trust Fund to Parks Capital Account (H7110702/50200), for the DeMeola Field drainage project is hereby approved (Parks, Recreation & Bldg. Maintenance).

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

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RESOLUTION NO. 447

**APPLY FUNDING/TENNIS
COURTS/INDEPENDENCE &
VETERANS**

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

RESOLVED, that the Supervisor is hereby authorized to apply for funding through the New York State Office of Parks and Recreation and the Historic Preservation in accordance with the Clean Water/Clean Air Bond Act for the rehabilitation of the tennis courts at Independence Park and Veteran's Park (Parks, Recreation & Bldg. Maintenance).

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

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RESOLUTION NO. 448

APPLY FUNDING/YOUTH DEVELOPMENT PREVENTION PROGRAM

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

RESOLVED, that the Supervisor is hereby authorized to apply for funding through the Youth Development/Development Prevention program of the NYS Office of Children & Family Services for 2002 (Parks, Recreation & Bldg. Maintenance).

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

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RESOLUTION NO. 449

GRANT PERMISSION HIGHWAY/DEAN

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

RESOLVED, that permission is hereby granted to James Dean, Superintendent of Highways, to attend the APWA – International Public Works Congress, Philadelphia, Pa., from September 9–12, 2001 at a total cost of \$1,186.00, to be charged to account A5010/50441/50480.

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

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RESOLUTION NO. 450

GRANT PERMISSION HIGHWAY/YANNAZZONE

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

RESOLVED, that permission is hereby granted to Michael Yannazzone, Highway Department, to attend the APWA – International Public Works Congress, Philadelphia, Pa., from September 9–12, 2001 at a total cost of \$1,186.00, to be charged to account D5140/50441/480.

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

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RESOLUTION NO. 451

AUTHORIZE SUPERVISOR APPLY FUNDING/CLEAN WATER/CLEAN AIR BOND ACT

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

RESOLVED, that the Supervisor is hereby authorized to file applications

(continued on page 13)

RESOLUTION NO. 451 (continued)

for funding through the New York State Department of Environmental Conservation in accordance with the Clean Water/Clean Air Bond Act for the following three (3) items (Highway Dept):

- (1) Cherry Brook Stormwater Detention System: Highway Runoff Pollution Drainage & Water Quality.
- (2) Stormwater NPS Pollution Prevention Plan: Installation of an Oil & Water Separator System at Orangetown Highway Department.
- (3) Stormwater NPS Pollution Prevention Plan: Installation of a Containment Tank to Capture 1st Flush at Orangetown Highway Department's Salt Storage facility.

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

Noes: None

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RESOLUTION NO. 452**WAIVE FEES/PEARL RIVER
HOOK & LADDER CO.**

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

RESOLVED, that building permit fees in the amount of \$10,580.00 for the Pearl River Hook & Ladder Company No. 1, Inc are hereby waived.

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

Noes: None

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RESOLUTION NO. 453**APPOVE AID/ORANGEBURG
FIRE DEPT**

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

RESOLVED, that aid to the Orangeburg Fire Department to provide use of the Orangetown Showmobile for the dedication of a new fire engine on October 13, 2001, upon the Fire Department providing adequate insurance with the Town of Orangetown as additional insured, to be charged to celebrations account #7550, is hereby approved.

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

Noes: None

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RESOLUTION NO. 454**APPROVE FUNDING/FRIENDS
OF THE NYACKS**

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

RESOLVED, that the request of the Friends of the Nyacks for Town

(continued on page 14)

RESOLUTION NO. 454 (continued)

funding in the amount of \$2,000.00, for their 2001 Mostly Music Concert Series, June 26th to August 14, 2001, to be charged to Account A7550/50457, is hereby approved.

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

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RESOLUTION NO. 455 *Amended Res # 645
RTBM 11/26/01* **AUTHORIZE EXECUTE
CONTRACT OF SALE/MARY
BLAKE PROPERTY**

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

RESOLVED, that upon review and approval of the Town Attorney, the Town Supervisor is hereby authorized to execute the Contract of Sale for the open space acquisition of real property currently owned by Mary B. Blake on Bradley Hill Road, Nyack, New York, for a sum not to exceed \$900,000.00, of which \$387,500.00 is to be provided under the 2000 New York State Clean Water/Clean Air Bond Act, subject to any appraisal requirements by the State of New York Department of Parks, Recreation and Historic Preservation, and also subject to the condition that these lands, after being acquired, will be used for passive recreational purposes only, which will allow picnic tables in picnic areas, hiking trails, parking facilities, rest room facilities, and amenities per the Rider in the Contract, subject to the recommendation of the Director of the Department of Parks and Recreation and the approval of the Town Board.

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

Supervisor Kleiner thanked Councilman Bergman as liaison to OPDAC, Catherine Dodge and her committee, Richard Rose, Superintendent of Parks, Recreation & Building Maintenance, and Mrs. Blake.

* * *

RESOLUTION NO. 456 *Amended Res # 526
RTBM 9/10/01* **INCREASE SALARY/BOARD
OF ASSESSMENT REVIEW**

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

RESOLVED, that the salary of the Board of Assessment Review is hereby increased for the year 2001 from \$50.00 to \$100.00 per session for the members and from ~~\$80.00~~ ^{65.00} to \$125.00 per session for the chairman.

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

* * *

RESOLUTION NO. 457**APPROVE SETTLEMENT
MARYCREST ASSOC VS TOWN
OF ORANGETOWN**

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

RESOLVED, that the litigation between the Marycrest Association and/or its agents, representatives, or successors in interest and the Town of Orangetown shall be hereby settled under the following terms and conditions:

- (1) The sum of \$10,000.00 shall be paid to the Town of Orangetown representing all taxes due or owing prior to the September 2001 School tax, and the January 2002 State, County and Town tax, which shall be separately paid as on-going taxes on said premises on and after September 1, or in the alternative as payment under this settlement in lieu of taxes.
- (2) The placement of monuments delineating the four corners of each of the two sub-divided lots and the placement of stakes on the far western end of the lots now owned or formally owned by Heider and McTernan to confirm that each of said lots retain their original length, which monuments and stakes shall be placed and installed by Robert E. Sorace, PLS, and confirmed by Bruce Peters, a professional engineer employed by the Town of Orangetown,

and upon the payment of such monies and the accomplishment of the monumentation and staking to the satisfaction of the Town of Orangetown, the litigation in question may be settled by the exchange of general releases and filing of a stipulation of discontinuance without cost or disbursements to either party.

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

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RESOLUTION NO. 458**SET P/H AMEND LL INCREASE
ROAD OPENING PERMIT FEES**

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

RESOLVED, that date of August 20, 2001, 8:05 P.M., is hereby set for a public hearing to consider the adoption of a proposed local law amending Chapter 27 of the Code of the Town of Orangetown entitled "Road Excavations, Driveways and Heavy Hauling" - increase road opening permit fees (Town Attorney).

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

* * *

New Business

Councilman Bergman asked if the information required by Dermot Kelly, ESDC, was provided, in order to move on the 27 acre triangular piece at Rockland Psychiatric Center. He also asked if the Board wanted to move on the Brodsky/Ryerson and Herskowitz/McCarty issues.

James Riley, Town Attorney, said that Mr. Dean and Mr. Beckerle met with Mr. Brodsky on Ryerson.

James Dean, Superintendent of Highways, re Ryerson, two train lines need clearing out and builder assured him it would be done. Robert Beckerle, Director of Department of Environmental Management & Engineering, re astro drawings will not allow release of the bond but OK for dedication of streets, which has nothing to do with remaining work to be done.

Councilman Bergman re act now on a date to pull the bond on the McCarty issue, subject to proper notice. A discussion took place, Councilmen Bergman and Troy suggested acting on this as soon as possible. Town Attorney James Riley advised that pulling Herskowitz Bond is a contractual process. He will review the bond and send letter to Mr. Herskowitz, and copies to Mrs. McCarty and the Town Board.

Supervisor Kleiner advised that the resolution on purchase of Blake property should say “authorize to sign for a purchase price of no more than \$900,000.00 aside from any incidental costs related to the closing”, in order to avoid technical issues on closing costs.

* * *

RESOLUTION NO. 459

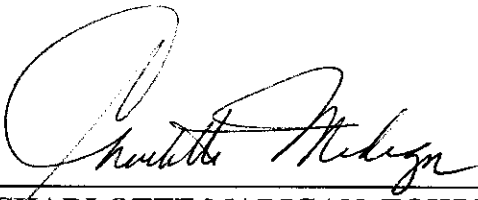
ADJOURNMENT/MEMORY

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 Herbert Beckmann and Beatrice Joyce.

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

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CHARLOTTE MADIGAN, TOWN CLERK

**TOWN OF ORANGETOWN
AUDIT MEETING
July 23, 2001**

The Audit Meeting opened at 10:30 P.M. Supervisor Kleiner presided. The Town Clerk called the roll. Present were:

Councilman Robert Bergman
Councilman Edward Fisher (left 10:25)
Councilman Denis O'Donnell
Councilman Denis Troy

Also Present: Charlotte Madigan, Town Clerk
James K. Riley, Town Attorney
Brian Shortt, Confidential Assistant to Supervisor
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways
Robert Beckerle, Dir., Dept. Environmental Mgt. & Eng.
Terry Sullivan, Police Captain
Robert Simon, Receiver of Taxes
John Giardiello, Director, OBZPAE
Richard Rose, Jr., Supt., Parks-Rec. & Bldg. Maint.

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RESOLUTION NO. 460

PAY VOUCHERS

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

RESOLVED, that the Finance Office is authorized to pay vouchers for General Fund, Town Outside Villages, Blue Hill, Highway, Sewer, Risk Retention, Capital Projects, and Utilities in the amount of \$1,152,385.87.

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

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RESOLUTION NO. 461

**PAY MANUAL CHECKS/
RELEASE ESCROW**

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

RESOLVED, that the Finance Office is authorized to issue manual checks and Escrow Release in the amount of \$5,022.60 as per attached schedule.

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

* * *

RESOLUTION NO. 462

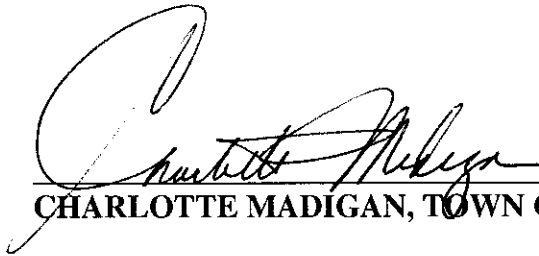
ADJOURNMENT

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

RESOLVED, that this Audit Meeting is hereby adjourned at 10:45 P.M.

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

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CHARLOTTE MADIGAN, TOWN CLERK