

**TOWN OF ORANGETOWN  
SPECIAL TOWN BOARD MEETING  
EXECUTIVE SESSION  
AUGUST 20, 2001**

This Special Town Board Meeting was opened at 7:15 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  
Charles Richardson, Director of Finance  
Terrence Sullivan, Police Captain

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**RESOLUTION NO. 465**

**EXECUTIVE SESSION**

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

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

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

\* \* \*

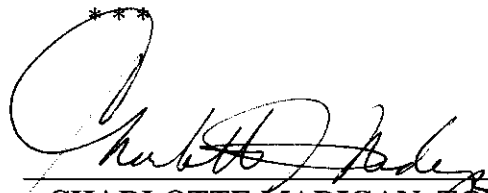
**RESOLUTION NO. 466**

**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 7:39 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  
AUGUST 20, 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  
James K. Riley, Town Attorney  
Thomas O'Connell, Deputy Town Attorney  
Margaret T. Smith, Deputy Town Clerk  
Charles Richardson, Director of Finance  
James Dean, Superintendent of Highways  
Robert Beckerle, Dir., Dept of Environmental Mgt. & Eng.  
Kevin Nulty, Chief of Police  
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 the Town Board.

\* \* \*

Supervisor Kleiner appointed Suzanne Barclay as Executive Assistant to the Supervisor, effective August 30, 2001.

The Board discussed the legality and possible conflict of interest with Ms. Barclay serving as Executive Assistant and as a member of the Planning Board.

\* \* \*

Supervisor Kleiner noted that the Route 303 Sustainable Development Study Citizens Advisory Committee meeting is on Thursday, August 23<sup>rd</sup>, at 7:00 P.M., and the Pool tour is Thursday, August 30<sup>th</sup>.

\* \* \*

The public portion was opened and the following spoke regarding Kelly's pub in Tappan:

Paul Witte, Town of Orangetown Code Enforcement Officer, re decibel reading 81.

Carl Dornbush, Health Department, permits could be effected if violations occur.

The following citizens spoke to the Town Board concerning the loud noise, parking, and other concerns regarding the concert that affected their quality of life in Tappan:  
Ted Baker, Bernadette Dennehy, Flavio Bastiani, Paul Melone, E. F. Monsees, Ralph Monsees, Joan Disco, Jane Fick, Phil Blose, Gail Raffaele, Dan Dennehy, Mitchell Chin, Christopher Chin, Eileen Larkin, and Joan Smith.

The following spoke in support of the concert:

Ramone Rywak, Jim Driscoll, owner, Kathy Rywak, and Steve Williamson.

A discussion took place between the Supervisor, the Town Board, Chief Nulty, Captain Sullivan and Lieutenant Zimmerman regarding violations, noise, amount of traffic violations and number of arrests. Quality of life issues were discussed with Jim Driscoll (owner), who stressed that he supports charities, he has 455 signatures of people who want music to continue, and in the twenty seven months of operation they never needed to call the police. He also stressed that he has spoken to surrounding neighbors and has even given his home phone number. He offered to work in concert with the Town in correcting any infractions.

The Town Board recessed for ten minutes and then resumed the regular public portion:

Bigelow Green spoke requesting waiver of building fee for restoration of Palisades Presbyterian Church.

The following property owners spoke with concern regarding the County improvements to the Sparkill Creek because of the destruction caused by Floyd.

Alexandra Becnel, concerned because the erosion buffer zone was removed, and also concerned because the County only notifies property owners that are needed for access to the creek.

Greg Macario, gave a commentary on Orangetown Urban Development.

Larry Vale, concerned with improvements of County, would like to see notification to all homeowners and a coordinated effort should be made to work in concert with the County, Town and residents.

A discussion took place with the Town Board, and they reiterated the fact that the community efforts were important in keeping the project going properly.

Eileen Larkin, Palisades, public water and contaminated wells, and believes that Suzanne Barclay should step down from her Land Use Board.

Barry Snyder, re Cortwood Village bids and authorizing of re-advertising.

Gail Raffaele, Tappan, Code of Ethics, advertisements on item #25, biker's code, and bond amounts.

A discussion took place regarding the legal notices and the need for better descriptions.

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#### **RESOLUTION NO. 467**

#### **OPEN/PH PROPOSED LL/ AMEND LL 4/69 CH 43 ZONE CHANGE/ELWIN STREET**

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

RESOLVED, that the 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") and specifically Section 2.2 (Zoning Map) re portion of Elwin Street, Pearl River, Section 68.19, Block 4, Lots 25, 26, 27, 28.1 and 28.2, Zone change from CO to RG, is hereby opened (Town Attorney).

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

Noes: None

The Town Clerk presented proof of publication and posting, copies are labeled Exhibit 8-A-01 and made a part of these minutes.

The public portion was opened and the following spoke:

Eileen Larkin, Palisades, asked why ZBA didn't grant property owner a variance or special permit for a pool, and Board establishing spot zoning code within Town land use regulation.

Councilman Troy explained property owner already had a variance and couldn't get another variance. The property is zoned commercial even though the four properties are residential and are taxed residential.

Diane Edsall, Elwin Street, explained why residents came forward.

Marion Charlton, Elwin Street, said that her signed Certificate of Occupancy saying its residential zoning is worthless because it's zoned commercial.

John Giardiello, Director, OBZPAE, re property owner got use variances. Certificate of Occupancy was issued as RG because the Zoning Board granted use variances just for the residents only. Should that owner want to add something else to their property, they would be subject to the CO zone and would have to go back to the Zoning Board.

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**RESOLUTION NO. 468****CLOSE/PH PROPOSED LL/  
AMEND LL 4/69 CH 43 ZONE  
CHANGE/ELWIN STREET**

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

RESOLVED, that the 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") and specifically Section 2.2 (Zoning Map) re portion of Elwin Street, Pearl River, Section 68.19, Block 4, Lots 25, 26, 27, 28.1 and 28.2, Zone change from CO to RG, is hereby closed.

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

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**RESOLUTION NO. 469****DESIGNATION OF LEAD  
AGENCY**

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

RESOLVED, that the Town Board hereby declares itself Lead Agency in this matter.

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

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**RESOLUTION NO. 470****SEQRA DECLARATION**

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

(continued on page 4)

**RESOLUTION NO. 470 (continued)**

RESOLVED, that a negative SEQRA Declaration is hereby adopted, copy of the short Environmental Assessment Form is labeled Exhibit 8-B-01 and made a part of these minutes.

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

A discussion on the zone change took place. In answer to Councilman Fisher, Town Attorney James Riley said that the Town Board couldn't grant permission to the Edsalls to put in a pool.

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**RESOLUTION NO. 471****T/B DECISION LL/AMEND  
LL 4/69 CH 43 ZONE CHANGE  
ELWIN ST/ADOPTED**

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

RESOLVED, that a Local Law amending Local Law No. 4, 1969 (Ch. 43 of the Code of the Town of Orangetown entitled "Zoning") and specifically Section 2.2 (Zoning Map) re portion of Elwin Street, Pearl River, Section 68.19, Block 4, Lots 25, 26, 27, 28.1 and 28.2 changing the Zone from CO to RG is hereby adopted.

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

Supervisor Kleiner read correspondence from the County of Rockland Department of Planning dated August 17, 2001, copy is labeled Exhibit 8-C-01 and made a part of these minutes.

\* \* \*

At this time a discussion took place between Town Attorney James Riley and the Town Board regarding Kings Ridge, on work not completed and use of cultured stone. James Dean, Superintendent of Highways, said that he doesn't believe the cultured stone gives the life expectancy that was originally planned by the Planning Board. Robert Beckerle, Director of Department of Environmental Management & Engineering agreed, and said that cultured stone doesn't have the longevity for a public works project. The Town Attorney noted that the Town had met all the requirements of the law regarding this bond, and the Town Board decided to declare the bond in default.

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**RESOLUTION NO. 472****DECLARE/PERFORMANCE  
BOND/JOY BUILDERS IN  
DEFAULT/KINGS RIDGE  
SUBDIV**

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

WHEREAS, due to the willful failure of Joy Builders, Inc. or any related party to perform the required public and highway improvements as stipulated under the

(continued on page 5)

**RESOLUTION NO. 472 (continued)**

Planning Board Decisions #97-107 and #98-171, and as set forth in the demand letter for completion transmitted by the Supervisor on July 27, 2001 and pursuant to the terms of the Bond executed and delivered by Joy Builders, Inc., as Principal, dated July 30, 1998, and upon hearing the presentation of the Superintendent of Highways, the Director of Environmental Management and Engineering, and the Town Attorney regarding the items required to be completed, Now Therefore, Be It

RESOLVED, that the Town Board hereby declares that Joy Builders, Inc. has defaulted to a full and material extent on the aforementioned bond as a result of the failure of Joy Builders, Inc. to complete the stone facing of walls, fencing on top of that wall, the wearing course on the road and other items as set forth in the July 27, 2001 demand letter of the Supervisor, Be It

RESOLVED FURTHER, that the Town Supervisor is hereby authorized and directed to draw down the Letter of Credit given by Joy Builders, Inc. as security for the bond as such Letter of Credit issued by Provident Bank, in the amount of \$358,224.00, by the delivery of a site draft and notice to be executed and delivered by the Supervisor in appropriate form from the Town of Orangetown as Beneficiary to Provident Bank pursuant *inter alia* to the following language as set forth in the Letter of Credit #98-0730:

“This drawing represents monies due the Beneficiary pursuant to, and in accordance with, and as required by PB #97-107 and PB #98-171 adopted by the Town Planning Board of the Town of Orangetown relative to King’s Ridge Subdivision”.

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

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Councilman Fisher left at this time 11:15 P.M.

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**RESOLUTION NO. 473**

**OPEN/PH PROPOSED LL  
AMEND CH 27/ROAD  
EXCAVATIONS/DRIVEWAYS  
HEAVY HAULING/FEEES**

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

RESOLVED, that the public hearing to consider adoption of a proposed Local Law amending Chapter 27 of the Code of the Town of Orangetown entitled “Road Excavations, Driveways and Heavy Hauling” (Fees) is hereby opened (Town Attorney).

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

The Town Clerk presented proof of publication and posting, copies are labeled Exhibit 8-D-01 and made a part of these minutes.

The public portion was opened and the following spoke:

Gail Raffaele, Tappan, re have old and new section of the law for review by public. She asked what the existing Section 27-20 deals with, and why exclude Orangeburg Fiber Pipe? Regarding Section 27-23 C, she asked what municipalities will be opening roads

in Orangetown, and why a municipality would not have to file an application or pay a deposit like any other resident, and amount of the increase in charge for utility rates?

Eileen Larkin, Palisades, asked for clarification on #3 – Section 27-20 on Orangeburg Fiber Pipe.

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**RESOLUTION NO. 474****CLOSE/PH PROPOSED LL  
AMEND CH 27/ROAD  
EXCAVATIONS/DRIVEWAYS  
HEAVY HAULING/FEES**

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

RESOLVED, that the public hearing to consider adoption of a proposed Local Law amending Chapter 27 of the Code of the Town of Orangetown entitled "Road Excavations, Driveways and Heavy Hauling" (Fees) is hereby closed.

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

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**RESOLUTION NO. 475****T/B DECISION LL/AMEND CH  
27/ROAD EXCAVATIONS  
DRIVEWAYS HEAVY  
HAULING/FEES/ADOPTED**

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

RESOLVED, that a Local Law amending Chapter 27 of the Code of the Town of Orangetown entitled "Road Excavations, Driveways and Heavy Hauling" (Fees) is hereby adopted.

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

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**RESOLUTION NO. 476****COMBINE AGENDA ITEMS**

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

Resolved, that agenda items three (3) through twenty five (25) are hereby combined as one.

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

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**RESOLUTION NO. 477****RECEIVE/FILE AGREEMENT  
BORST PARK/NIKE LANE**

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

RESOLVED, that executed caretaker agreements between Town of Orangetown and Anthony Limandri for Borst Memorial Park, Pearl River, and between the Town of Orangetown and Mary and Edward Miggins for Nike Lane, Orangeburg are hereby received and filed (Town Attorney).

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

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**RESOLUTION NO. 478****RECEIVE/FILE  
PERFORMANCE BOND/RON'S  
QUALITY AUTOMOTIVE**

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

RESOLVED, that upon the recommendation of Planning Board, and upon the review of the Town Attorney's Office, Site Plan Performance Bond No. RNS 115399 of Ron's Quality Automotive, Inc. as Principal and RLI Insurance Company as Surety, in favor of the Town of Orangetown, as Obligee in the amount of \$10,128.00, in connection with the construction, installation and completion of certain improvements in accordance with and pursuant to PB #00-173 and PB #01-54 at Ron's Quality Automotive, Inc., Pearl River, New York, is hereby received and filed.

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

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**RESOLUTION NO. 479****AMEND RES 137/01  
SETTLEMENT/TAX CERT  
BERISFORD PROPERTY  
DEVELOPMENT**

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

RESOLVED, that Resolution No. 137, dated 2/26/2001, is hereby amended to read that, upon the recommendation of the Town Attorney's Office and the Assessor, and upon prior approval of the Pearl River Union Free School District, settlement of the tax certiorari of BERISFORD PROPERTY DEVELOPMENT (USA), LTD, Tax Map No.: 73.10-1-6, for the tax assessment years 1994; 1995; 1996; and 1999 is hereby approved as follows:

<u>Tax Years</u>	<u>From</u>	<u>To</u>
1994	\$8,500,000	\$6,337,515
1995	\$8,500,000	\$6,138,263
1996	\$8,550,000	\$6,115,124
1997	\$8,550,000	\$6,089,414

for a total refund by the Town of \$88,544.00. Interest on the Town's liability as a result

(continued on page 8)



**RESOLUTION NO. 479 (continued)**

of decrease is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town.

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

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**RESOLUTION NO. 480**

**APPROVE SETTLEMENT/TAX  
CERT/PAR BUILDERS**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor and upon prior approval of the Nyack Union Free School District, settlement of the tax certiorari of PAR BUILDERS, INC., Tax Map No. 65.36-1-51, Index Nos. 3791/96; 4014/97; 4105/98; 4135/99; and 4154/00 for the tax assessment years 1996; 1997; 1998; 1999 and 2000 is hereby approved as follows:

<u>Tax Years</u>	<u>From</u>	<u>To</u>
1996-97	\$2,563,500	\$1,997,940
1997-98	\$2,563,500	\$2,048,280
1998-99	\$2,563,500	\$2,191,900
1999-00	\$2,563,500	\$2,079,120
2000-01	\$2,563,500	\$1,992,250

for a total refund by the Town of \$20,717.00; for a total refund by the School of \$75,559.00. Interest on the Town and School's liability as a result of decrease is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town.

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

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**RESOLUTION NO. 481**

**APPOINT/ADMINISTRATIVE  
AIDE/BUILDING DEPT**

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

RESOLVED, that upon the recommendation of John Giardiello, Director, OBZPAE, Deborah Arbolino is hereby appointed to the position of Administrative Aide, in the Building Department, provisional, grade 9-1, annual salary of \$33,374.00, effective immediately.

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

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**RESOLUTION NO. 482****ACCEPT MINUTES**

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

RESOLVED, that the Audit and Special Town Board minutes of July 23, 2001 are hereby accepted.

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

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**RESOLUTION NO. 483****ESTABLISH/CLERK/POLICE  
DEPT.**

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

RESOLVED, that the position of Clerk (temporary) in the Police Department, effective immediately, is hereby established.

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

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**RESOLUTION NO. 484****APPOINT/CLERK POLICE  
DEPT/KERN**

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

RESOLVED, that upon the recommendation of Police Chief Kevin Nulty, Christine Kern is hereby appointed to the position of Clerk (temporary) in the Police Department, \$10.00 per hour, effective September 1, 2001.

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

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**RESOLUTION NO. 485****ADVERTISE/TRASH DUMP  
TRAILER/HIGHWAY**

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

RESOLVED, that the Town Clerk is hereby authorized to advertise for sealed bids for one new 24 Cubic Yard Trash Dump Trailer, and, Be it

RESOLVED FURTHER, that bids are to be received by 10:30 A.M., September 19, 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, Troy  
Supervisor Kleiner  
Noes: None

**RESOLUTION NO. 486****AWARD/BID/PREFORMED  
PAVEMENT MARKINGS**

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

Whereas, the Town Clerk duly advertised for sealed bids for Preformed Pavement Markings, which were received and publicly opened on July 25, 2001, and

Whereas, these bids were referred to the Superintendent of Highways for recommendation and report, a copy is labeled Exhibit 8-E-2001 and made a part of these minutes, Now, Therefore, Be It

**RESOLVED**, that the contract for Preformed Pavement Markings is hereby awarded to Flint Trading, Inc., Thomasville, N.C., the lowest qualified bidder.

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

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**RESOLUTION NO. 487****AUTHORIZE/APPLICATION  
FUNDING NYSDOT  
SIDEWALKS**

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

**RESOLVED**, that the applications for funding through the New York State Department of Transportation TEA – 21 Transportation Enhancements Program, for construction of sidewalks on Oak Tree Road from the east side of Route 303 to Route 9W in Palisades is hereby authorized (Supt. of Highways).

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

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**RESOLUTION NO. 488****APPROVE/TRANSFER ROADS  
ORANGETOWN & ROCKLAND  
COUNTY**

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

**RESOLVED**, that the transfer of roads between the Town of Orangetown and the County of Rockland as follows is hereby approved (Supt. of Highways):

**Transfer of the following from the County of Rockland to the Town of Orangetown:**

- County Route 15A – Old Western Highway.
- County Route 35B – Old South Highland.

**Transfer of the following from the Town of Orangetown to the County of Rockland:**

- West Washington and Old Pascack Road – from South Highland west to the New Jersey line.

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**RESOLUTION NO. 488 (continued)****Transfer from the Rockland County Highway Department to the Orangetown Highway Department:**

- County Route 16 – Hunt Road.
- County Route 17 – Blaisdell Road from Old Orangeburg Road to Orangeburg Road.
- County Route 22 – Old Orangeburg Road – Dead end to Veterans Memorial.

**Transfer of the following from Orangetown Highway Department to the Rockland County Highway Department:**

- Western Highway – from Orangeburg Road to Old Tappan Road.
- Old Tappan Road – from Main Street to New Jersey line.

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

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**RESOLUTION NO. 489****APPROVE/USE SOUTH  
BROADWAY/VILLAGE SOUTH  
NYACK**

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

RESOLVED, that request by the Village of South Nyack for permission to use the section of South Broadway between Livingston Place and the entrance to the Esposito Memorial Trail, and the portion of the trail which is located in the unincorporated portion of the Town of Orangetown, for the Village's annual 10 mile run on September 9, 2001, with the Village providing insurance, is hereby approved.

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

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**RESOLUTION NO. 490****WAIVE FEES/PALISADES  
PRESBYTERIAN CHURCH**

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

RESOLVED, that building fees in the amount of \$400.00 and any additional building permit fees connected to the church restoration for Palisades Presbyterian Church, Palisades, New York are hereby waived.

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

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**RESOLUTION NO. 491** *Amended Res 522  
RTBM 9/10/01***AMEND RES 445/2001  
SUBMISSION & OPENING  
DATE/PRO SHOP  
IMPROVEMENTS/BHGC**

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

RESOLVED, that Resolution 445 of 2001 is hereby amended to change the submission and opening date of the bids for the Pro Shop improvements at the Blue Hill Golf Course from August 30, 2001 to September 13, 2001 (Supt. of Parks, Rec. & Bldg. Maint.). *13 at 11:10 AM.*

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

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**RESOLUTION NO. 492****APPOINT/LABORER/ENVIRON  
MGT & ENG**

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

RESOLVED, that John Orfini is hereby appointed to the position of Laborer in the Department of Environmental Management & Engineering, provisional, grade 9-1, annual salary of \$34,714.00, effective immediately (Environmental Management & Engineering Dept).

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

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**RESOLUTION NO. 493****APPOINT/LABORER/ENVIRON  
MGT & ENG**

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

RESOLVED, that Sean Flynn is hereby appointed to the position of Laborer in the Department of Environmental Management & Engineering, provisional, grade 9-1, annual salary of \$34,714.00, effective immediately (Environmental Management & Engineering Dept).

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

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**RESOLUTION NO. 494****AWARD/BID/SEWERAGE  
PUMPS**

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

Whereas, the Town Clerk duly advertised for sealed bids for Submersible

(continued on page 13)

**RESOLUTION NO. 494 (continued)**

Sewerage Pumps, which were received and publicly opened on July 26, 2001, and

Whereas, these bids were referred to the Director of the Department of Environmental Management & Engineering, for recommendation and report, a copy is labeled Exhibit 8-F-2001 and made a part of these minutes, Now, Therefore, Be It

RESOLVED, that the contract for Submersible Sewerage Pumps, in the amount of \$24,300.00, is hereby awarded to Fleet Pump and Service Group, Inc., Harrison, New York, the only qualified bidder.

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

Noes: None

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**RESOLUTION NO. 495****CLOSE CAPITAL RESERVE  
TRANSFER/CAPITAL  
PROJECT/PEARL RIVER  
REVITALIZATION**

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

RESOLVED, that the Capital Reserve Account for Parking in the amount of \$80,170.81 plus accrued interest is hereby closed, and transferred to Capital Project Pearl River revitalization H0898964/43864 (Finance Dept.).

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

Noes: None

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**RESOLUTION NO. 496****AWARD/BID/PEARL RIVER  
STREET LIGHTS**

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

Whereas, the Town Clerk duly advertised for sealed bids for furnishing Decorative Street Lights for the Pearl River Center Revitalization Project, which were received and publicly opened on August 2, 2001, and

Whereas, these bids were referred to the Superintendent of Highways for recommendation and report, a copy is labeled Exhibit 8-G-2001 and made a part of these minutes, Now, Therefore, Be It

RESOLVED, that the contract for furnishing Decorative Street Lights for the Pearl River Center Revitalization Project, in the total amount of \$168,885.00, to be charged to Account H8989642/50200, is hereby awarded to Swift Electrical Supply Company, Inc., Nanuet, New York, the lowest qualified bidder.

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

Noes: None

\* \* \*

**RESOLUTION NO. 497****APPROVE/OUT OF DISTRICT  
SEWER SERVICE/BRICKER**

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

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Management and Engineering, the Orangetown Town Attorney, and with prior approval by the Rockland County Sewer District #1, request of Mr. & Mrs. J. Bricker, 271 Sickletown Road, Orangeburg, New York, Tax Map No. 64.20-1-7, for out of district sewer service to the Rockland County Sewer District No. 1, because sewer service is not available through the Orangetown Sewer System, is hereby approved.

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

\* \* \*

**RESOLUTION NO. 498****APPROVE CERTIFICATE OF  
REGISTRATION/2001**

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

RESOLVED, that Certificate of Registration (Plumber's License) for 2001 is hereby approved for the following:

Hegarty Homes, Inc., Pearl River, New York  
Dan Nolan, Inc., Orangeburg, New York

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

\* \* \*

**RESOLUTION NO. 499****RESCIND RES 432/2001 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 adopted:

RESOLVED, that Resolution No. 432/2001 is hereby rescinded, and, Be It

RESOLVED FURTHER, that, upon the approval of the Town Attorney, the re-advertising for sealed bids for the demolition of a house and the construction of a parking lot and lighting at Cortwood Senior Housing is hereby authorized.

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

\* \* \*

New Business:

A discussion took place on American Cyanamid.

\* \* \*

**RESOLUTION NO. 500**

**MEMORIALIZING RESOL  
REQUESTING GOVERNOR  
PATAKI/VETO LEGISLATION  
SECTION 207-c**

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

WHEREAS, Section 207-c of the General Municipal Law currently provides that a police officer who is injured in the performance of his duties shall be entitled to full pay and benefits while he is disabled as well as payment for all medical treatment necessitated by the injury, and

WHEREAS, the Court of Appeals in the matter of *Balcerak v. County of Nassau* drew a distinction between officers hurt in the line of duty in dangerous situations and those hurt in normal situations on the job, and

WHEREAS, the Court of Appeals in the above case determined that Section 207-c was enacted to compensate police officers for injuries incurred in the performance of work related to the nature of "Heightened Risk" peculiar to their specialized employment, and

WHEREAS, the New York State Legislature has approved legislation which will provide that benefits under Section 207-c be payable to any officer who is injured while on duty regardless of whether said officer was injured while performing duties which involved a "Heightened Risk", and

WHEREAS, said Legislation, if signed by Governor Pataki, would become another unfunded mandate on local governments, which may have a major financial impact on taxpayers, and

WHEREAS, the benefits under the above Section, should only be made available to officers hurt during dangerous situations and should not be extended to officers injured while doing routine work, and

WHEREAS, it was completely irresponsible for our locally elected New York State Assembly and Senate representatives to propose such Legislation without first discussing it with the local governments and determining what would be the fiscal impact on local taxpayers, and

WHEREAS, this proposed Legislation is an attempt to override the decision of the Court of Appeals which drew an appropriate distinction between injuries which occurred during a "Heightened Risk" as opposed to injuries which occurred during routine work, Now, Therefore, Be It

RESOLVED, that by the Town Board of the Town of Orangetown that the Board does hereby request Governor George Pataki to veto the above Legislation for the reasons set forth above and the Town Clerk is hereby directed to forward a certified copy of this Resolution to Governor George Pataki as soon as possible.

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

Noes: None

\* \* \*



**RESOLUTION NO. 501**

**ADJOURNMENT/MEMORY  
STARKER**

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

RESOLVED, that this meeting is hereby adjourned at 11:45P.M. in memory of Judith Starker.

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

\* \* \*

  
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CHARLOTTE MADIGAN, TOWN CLERK

**TOWN OF ORANGETOWN  
AUDIT MEETING  
AUGUST 20, 2001**

The Audit Meeting opened at 11:45 P.M. Supervisor Kleiner presided. The Town Clerk called the roll.

Present were: Councilman Robert Bergman  
Councilman Denis O'Donnell  
Councilman Denis Troy

Absent: Councilman Edward Fisher

Also Present: Charlotte Madigan, Town Clerk  
James K. Riley, Town Attorney  
James Dean, Superintendent of Highways  
Robert Beckerle, Dir., Dept. Environmental Mgt. & Eng.

\* \* \*

**RESOLUTION NO. 502**

**PAY VOUCHERS**

Councilman Troy offered the following resolution, which was seconded by Councilman Bergman 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 \$1,118,051.03.

Ayes: Councilman Troy, Bergman, O'Donnell,  
Supervisor Kleiner

Noes: None

\* \* \*

**RESOLUTION NO. 503**

**PAY MANUAL CHECKS/  
RELEASE ESCROW**

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

RESOLVED, that the Finance Office is authorized to issue manual checks in the amount of \$12,904.45 and Escrow Releases in the amount of \$8,625.00 for a total amount of \$21,529.45, as per attached schedule.

Ayes: Councilman Troy, Bergman, O'Donnell,  
Supervisor Kleiner

Noes: None

\* \* \*

**RESOLUTION NO. 504**

**ADJOURNMENT**

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

RESOLVED, that this Audit Meeting is hereby adjourned at 11:55 P.M.

Ayes: Councilman Troy, Bergman, O'Donnell,  
Supervisor Kleiner

Noes: None

  
\_\_\_\_\_  
**CHARLOTTE MADIGAN, TOWN CLERK**

**TOWN OF ORANGETOWN  
SPECIAL TOWN BOARD MEETING  
EXECUTIVE SESSION  
AUGUST 20, 2001**

This Special Town Board Meeting was opened at 11:55 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  
Charles Richardson, Director of Finance  
Terrence Sullivan, Police Captain

\* \* \*

**RESOLUTION NO. 505**

**EXECUTIVE SESSION**

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

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

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

\* \* \*

**RESOLUTION NO. 506**

**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 12:07 P.M.

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

\* \* \*

  
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CHARLOTTE MADIGAN, TOWN CLERK