

**TOWN OF ORANGETOWN
SPECIAL TOWN BOARD MEETING
EXECUTIVE SESSION
NOVEMBER 26, 2001**

This Special Town Board Meeting was opened at 7:12 P.M. Supervisor Thom Kleiner presided. The Town Clerk called the roll.

Present were: Councilman Robert Bergman
Councilman Edward Fisher
Councilman Denis O'Donnell
Councilman Denis M. Troy arrived at 7:27 P.M.

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 Supvr.
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways

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RESOLUTION NO. 636

EXECUTIVE SESSION

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

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

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

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RESOLUTION NO.637

ADJOURNMENT

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

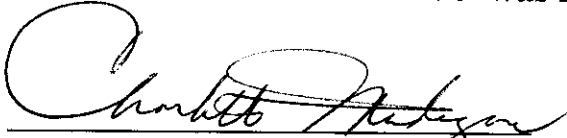
RESOLVED, that this Town Board Executive Session adjourns at 7:35 P.M.

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

CHARLOTTE MADIGAN, TOWN CLERK

RESOLUTION NO. 638

Please note Resolution # 638 was not used


Charlotte Madigan, Town Clerk

1/7/2002

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
NOVEMBER 26, 2001**

The Regular Town Board Meeting was opened at 7:47 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
Dennis Michaels, Deputy Town Attorney
Suzanne Barclay, 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
Mary McCloskey, Assessor's office
John Paci, Building Inspector

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

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The public portion was opened and the following spoke:

Audrey Maffei Schneider, Pearl River re noise on Route 303.

Natalie Maffei, Tappan, believes drainage problems are as a result of Ryerson Estates.

Cynthia Anselmo, Palisades, asked about town laws on dirt bikes, against bikes in her neighborhood.

Thomas O'Connell, Deputy Town Attorney, said rules taken from New York State.

Nicholas Woodford, Tappan, in favor of recent traffic changes in Tappan, commended the Traffic Advisory Board for a good decision.

Supervisor Kleiner referred to a letter from Dean Lynch, Tappan, in support of the Traffic Advisory Board decision for one way traffic.

Supervisor Kleiner referred to a letter from Georgiana Pipe, Tappan against change, wants two way traffic.

Paul Melone, Tappan, spoke on bulk trash left out by the curb too long, and pickup schedules not followed.

John Higgins, Tappan, in favor of Traffic Advisory Board decision for one way traffic.

Karl Bohn, Pearl River, opposed to new proposed dirt bike ordinance.

Shawn Looram, Tappan, in favor of riding motor bikes, which are not as noisy as lawn mowers or leaf blowers.

Gail Raffaele, Tappan, not in favor of regulating dirt bikes. She spoke on traffic changes made to Greenbush Road in Tappan, and questioned the Town pick up of leaves on church property.

James Dean, Superintendent of Highways, re safer for the Department and the community to pick up leaves on the property rather than the street.

Ellen McCarty, Tappan, re builder did not clean up her side of property. She inquired about tree removal by the builder, and said property marker removed by the builder has not been replaced.

Anthony Zacharakis, Tappan, offered suggestions for safety on town roads, and spoke re dedication of Ryerson Place.

Kenneth Hiep, spoke against laws regarding dirt bikes, lawn mowers noisier.

Dr. Lawrence Forgacs, Tappan, opposed to making Greenbush Road a one way street.

Mrs. Hoffman, Blauvelt, re noise and fumes in area of 303, and decibel of trains on railroad on Erie Street too loud.

Mr. Flynn, re lawn mowers and trucks parked on street, difficult to get around.

Betsy Brenner, Orangeburg, re delay in traffic on Western Highway and Old Tappan Road because trains are too long.

Scott Wheatley, Tappan, rides dirt bike and said that they are very quiet and safety emissions are good, but hours of operation should be regulated.

Christian Schneider, said new tenants have not complained about dirt bikes.

Paula Boren, opposed to dirt bikes they are too noisy, and this is a quality of life issue.

Adam, Blauvelt resident, re dirt bikes are not breaking laws, but equipment is too loud and should be modified.

The Town Board discussed ways on how to best achieve a compromise between dirt bikes and citizens.

Ron Schneider, Pearl River, re noise level is not accurate, bikes only used a few times.

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RESOLUTION NO. 639

**APPROVE/AGREE
SHARED HIGHWAY
SERVICES/ROCKLAND
CO**

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

RESOLVED, that the agreement between the County of Rockland and the Town of Orangetown for shared highway services to formalize equipment usage and exchange is hereby approved.

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

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RESOLUTION NO. 640**DECLARE/HIGHWAY
NUCLEAR DENSITY METER
SURPLUS**

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

RESOLVED, that the Town of Orangetown Highway Department's nuclear density meter (1989 Troxler Model 3440) is hereby declared surplus in order that it may be sold to the highest bidder.

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

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RESOLUTION NO. 641**ADOPTED/POLICE REGS**

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

RESOLVED, that Police Regulations are hereby adopted and Resolution No. 649-2000 is hereby amended to extend for an additional period of three (3) months the following:

- Designate Greenbush Road in Tappan from Old Tappan Road to Kings Highway in Tappan a **one way in a northerly direction**.
- Designate Greenbush Road in Tappan from Kings Highway in Tappan to Western Highway in Tappan a **one way road in a north/west direction**.
- Require eastbound traffic on Old Tappan Road to stop at the west side of the intersection with Western Highway.
- Require westbound traffic on Old Tappan Road to stop at the east side of the intersection with Western Highway.
- Recommend to the County of Rockland that northbound traffic on Main Street, Tappan, be required to stop at the south side of the intersection with Oak Tree Road.

And, Be It

RESOLVED FURTHER, that the Highway Department is hereby authorized to install signs.

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

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RESOLUTION NO. 642**APPROVE AID/PIERMONT
BUSINESS COUNCIL**

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

RESOLVED, that aid to the Piermont Business Council for their Holiday

(continued on page 4)

RESOLUTION NO. 642 (continued)

Festival on Sunday, December 2, 2001 by providing the Town Showmobile, with the Business Council providing a certificate of insurance covering use of the Showmobile, to be charged to Celebrations Line Item A7550/40457 is hereby approved.

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

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RESOLUTION NO. 643

**APPROVE/ROCKLAND
RIVERFRONT
INTERMUNICIPAL AGREE**

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

RESOLVED, that the Rockland Riverfront Communities Intermunicipal Agreement which provides the framework for how the participating towns and villages will work together as a council to develop projects that protect, promote and take advantage of the Hudson under the Quality Communities Program, and authorize the Supervisor to execute same is hereby approved.

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

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RESOLUTION NO. 644

**APPROVE/AMENDMENT
LEASE AGREE/CELLULAR
TELEPHONE CO**

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

RESOLVED, that an amendment to lease agreement, dated August 27, 1993, between Town of Orangetown and Cellular Telephone Company, d/b/a/ AT&T Wireless, to permit Cellular Telephone Company to replace existing antennae and equipment shelter with new upgraded equipment at Orangetown Town Hall.

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

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RESOLUTION NO. 645

**APPROVED/AMEND
RESOLUTION 455/2001
EXECUTE CONTRACT OF
SALE MARY BLAKE PROP**

Councilman Bergman offered the following resolution, which was seconded by Supervisor Kleiner and on roll call was unanimously adopted:

RESOLVED, that Resolution No. 455/2001 concerning the contract of sale for the Mary B. Blake property is hereby amended by deleting the last phrase of the resolution *“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*

RESOLUTION NO. 645 (continued)

recommendation of the Director of the Department of Parks and Recreation and the approval of the Town Board”, and add “except that a park bench will be permitted”.

Upon discussion, Councilman O'Donnell made a motion to table the above resolution, which was seconded by Councilman Troy and on roll call *motion to table failed* with Councilmen O'Donnell & Troy voting yes and Councilmen Bergman, Fisher and Supervisor Kleiner voting no.

Upon further discussion, the *original resolution* amending Resolution No. 455/2001 concerning the contract of sale for the Mary B. Blake property *was voted on, and on roll call was unanimously adopted:*

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

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RESOLUTION NO. 646

**DESIGNATION LEAD AGENCY
COMPREHENSIVE PLAN**

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

RESOLVED, that the Town Board is hereby designated as Lead Agency for the Town of Orangetown Comprehensive Plan.

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

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RESOLUTION NO. 647

**SEQRA DECLARATION
COMPREHENSIVE PLAN**

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

WHEREAS, the Town Board has received a Draft Comprehensive Plan for the Town of Orangetown and wishes to comply with SEQRA; and

WHEREAS, it has been determined by the Town Board of the Town of Orangetown that the adoption of a land use plan by a municipality is a Type I action under SEQRA regulations, thereby requiring environmental review and findings prior to such action; and

WHEREAS, the Town Board as Orangetown's legislative body is the only entity with authority to adopt a Comprehensive Plan for the Town of Orangetown and as such is the appropriate entity to act as Lead Agency for review of the potential environmental impacts associated with the adoption of the Comprehensive Plan; and

WHEREAS, the Town Board determines that the adoption of the Comprehensive Plan requires the issuance of a Positive Declaration under the SEQRA regulations; and

WHEREAS, the Town Board understands that the Draft Generic Environmental Impact Statement (DGEIS) will be a general policy documents, recasting

(continued on page 6)

RESOLUTION NO. 647 (continued)

Comprehensive Plan proposals in an EIS format. The principal benefit of the impact statement will be the opportunity to secure additional public input on the Comprehensive Plan process, Now, Therefore, Be It

RESOLVED, by the Town Board of the Town of Orangetown that it hereby declares itself Lead Agency in connection with all processing, procedures, determinations, and findings to be made or conducted with respect to the adoption of the Comprehensive Plan for the Town of Orangetown; and, Be It

RESOLVED FURTHER, that a positive declaration of environmental significance shall be and is hereby issued pursuant to SEQRA regulations and that a Draft Generic Environmental, Impact Statement will be prepared.

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

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RESOLUTION NO. 648**COMBINE AGENDA ITEMS**

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

Resolved that agenda items ten (10) through thirteen (13) are hereby combined as one.

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

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RESOLUTION NO. 649**SET DATE P/H EXPENDITURE
BJA MONEYS**

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

RESOLVED, that date of December 17, 2001, 8:00 P.M., is hereby set for a public hearing to authorize the expenditure of moneys available from the Bureau of Justice (BJA) under the fiscal year 2001 Omnibus Appropriations Act. (Pub. L.105-119)

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

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RESOLUTION NO. 650**GRANT PERMISSION/POLICE**

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

RESOLVED, that permission is hereby granted to Sgt. Gerald Bottari and Det. James Neeck to attend the Hostage Negotiation Seminar in Baltimore, MD, February 12-13, 2002, at a total cost of \$832.28 to be charged to B/3120/441/480.

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

RESOLUTION NO. 651

GRANT PERMISSION/POLICE

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

RESOLVED, that permission is hereby granted to P.O. Michael Kopunek to attend the D.A.R.E Instructor Training Seminar in Rochester, NY, January 7-18, 2002, at a total cost of \$550.00 to be charged to B/3120/16/50405.

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

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RESOLUTION NO. 652

ACCEPT MINUTES

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

RESOLVED, that Regular Town Board minutes of October 22, 2001 are hereby accepted.

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

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Comments:

Councilman Fisher spoke on the three youths killed in traffic accidents and Michael McDermott missing, prayers and thoughts go out to their families.

Councilman Bergman spoke on the sudden death of Attorney Bertrum Krashes, highly respected member and former President of the Rockland County Bar Association.

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RESOLUTION NO. 653

**AUTHORIZE TOWN
ATTORNEY/SPARKILL GLEN
SUBDIV**

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

RESOLVED, that the Town Attorney is hereby authorized to take appropriate action with regard to Sparkill Glen subdivision.

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

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RESOLUTION NO. 654

**AUTHORIZE TOWN
ATTORNEY/PINE GLEN
SUBDIV**

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

(continued on page 8)

RESOLUTION NO. 654 (continued)

RESOLVED, that the Town Attorney is hereby authorized to take appropriate action with regard to Pine Glen Park subdivision.

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

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RESOLUTION NO. 655

AUDIT/PAY VOUCHERS

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

RESOLVED, that the Finance Office is authorized to pay vouchers for General Fund, Town Outside Villages, Blue Hill, Highway, Sewer, Election Inspectors, and Utilities in the total amount of \$341,116.15.

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

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RESOLUTION NO. 656

**AUDIT/PAY ESCROW
RELEASE**

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

RESOLVED, that the Finance Office is authorized to issue Escrow Checks in the amount of \$80,750.00, as per attached schedule.

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

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RESOLUTION NO. 657

ADJOURNMENT/AUDIT

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

RESOLVED, that the Audit meeting is hereby adjourned.

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

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RESOLUTION NO. 658

**RE-ENTER/EXECUTIVE
SESSION**

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

(continued on page 9)

RESOLUTION NO. 658 (continued)

RESOLVED, that the Town Board hereby reenters executive session to discuss real estate negotiations.

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

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RESOLUTION NO. 659

RECONVENE/RTBM

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

RESOLVED, that the Town Board hereby reconvenes into the regular Town Board meeting.

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

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RESOLUTION NO. 660

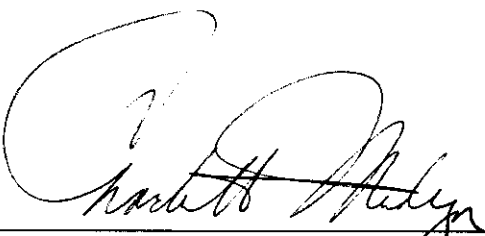
ADJOURNMENT

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

RESOLVED, that this meeting is hereby adjourned at 11:25 P.M.

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

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CHARLOTTE MADIGAN, TOWN CLERK