

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, APRIL 12, 2005**

The Regular Town Board Meeting was opened at 7:43 p.m. Supervisor Kleiner presided. The Town Clerk called the Roll. Present were:

Councilman Denis O'Donnell  
Councilman Denis Troy  
Councilwoman Marie Manning  
Councilman Thomas A. Morr

Also present: Charlotte Madigan, Town Clerk  
Eliot Tozer, Deputy Supervisor  
Charles Richardson, Director of Finance  
Suzanne Barclay, Exec Asst. to Supervisor  
Teresa M. Kenny, Town Attorney  
John S. Edwards, First Deputy Town Attorney  
William Reddy, Deputy Town Attorney  
James Dean, Superintendent of Highways  
Ron Delo, Director of Dept. Environmental Mgt. & Eng.  
Kevin Nulty, Chief of Police  
Robert Simon, Receiver of Taxes  
Mary McCloskey, Assessor's Office  
John Giardello, Director, OBZPAE

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

\* \* \*

Supervisor Kleiner said the Town has been working with the owners and developers of the site located adjacent to Lowes Home Improvement Center for clean commercial ratables. In the coming weeks, a public hearing will be scheduled. The Town expects an application for a zone change for two hotels, a restaurant, a bank and small retail for this site.

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**RESOLUTION NO. 268**

**FORMATION SEWER DISTRICT  
OPEN PUBLIC HEARING**

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

RESOLVED, that the public hearing to consider the formation of a Sewer District within the unincorporated portion of the Town of Orangetown, New York, as well as within all incorporated Villages within the Town, as well as within the Village of Upper Nyack is hereby opened.

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

Noes: None

\* \* \*

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 4-A-05, and made a part of these minutes.

Ron Delo, Director of the Dept. Environmental Mgt. & Eng., explained the purpose of this public hearing is the formation of a sewer district in the Town of Orangetown, which is separate from the bonding for repairs for the sewers in Orangetown. A discussion took place between the Town Board and Ron Delo concerning the Sewer District. Additional public hearings will be held to further discuss this matter. It will be necessary for the Town Board to decide if the unincorporated villages will be part of the Sewer District.

**Public comment:**

Eileen Larkin, Palisades, spoke about taxes and expenditures of villages hooking up to the town's sewer system. She stressed the importance of keeping catch basins clean of debris. Kevin Emsworth, Pearl River, spoke about the LMS study for the Cherry Brook Drainage System. He asked if the down stream study was completed and what is Wyeth's responsibility regarding run offs. He spoke with the Town Attorney regarding his claim. Andrew Wiley, Pearl River, questioned the Sewer Agreement with Rockleigh, NJ and if they could absorb any of the sewer district costs.

**RESOLUTION NO. 269****FORMATION SEWER DISTRICT  
CLOSE PUBLIC HEARING**

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

RESOLVED, that this public hearing is hereby opened.

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

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**RESOLUTION NO. 270****FORMATION SEWER DISTRICT  
INTENT TO BE LEAD AGENCY**

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

RESOLVED, that the Town Board declares its intent to be Lead Agency in this matter.

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

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**RESOLUTION NO. 271****FORMATION SEWER DISTRICT  
TOWN BOARD DECISION RESERVE**

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

RESOLVED, that the Town Board hereby reserves its decision on the formation of a Sewer District within the unincorporated portion of the Town of Orangetown, New York, as well as within all incorporated Villages within the Town, as well as within the Village of Upper Nyack.

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

\* \* \*

**Public Comment**

Andrew Wiley, Pearl River, spoke regarding costs, Town Law and Town property. He's also concerned about hiring an outside attorney in connection with development issues at RPC.

**RESOLUTION NO. 272****CLOSE PUBLIC COMMENT**

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

RESOLVED, that the public comment portion is hereby closed.

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

**RESOLUTION NO. 273****SOUTH ORANGETOWN LITTLE LEAGUE/AUTHORIZE AGREEM'T**

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

RESOLVED, that the Supervisor is hereby authorized to sign a use agreement between the Town of Orangetown and the South Orangetown Little League.

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

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**RESOLUTION NO. 274****HOLLAND & KNIGHT, LLP  
AUTHORIZE AGREEM'T**

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

RESOLVED, that the Supervisor is hereby authorized to sign a professional services agreement with Holland & Knight, LLP, for an amount not to exceed \$6,500.00 in connection with development issues at RPC.

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

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**RESOLUTION NO. 275****COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items seven (7) through twenty-six (26), except fifteen (15) are hereby combined.

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

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**RESOLUTION NO. 276****TRUCK/JET RODDER/VACUUM  
MANHOLE CLEANER/AWARD BID**

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

WHEREAS, the Director of the Dept. of Environmental Management & Engineer duly advertised for sealed bids for a vehicle truck with high pressure jet rodder and vacuum manhole cleaner, which were received and publicly opened on March 30, 2005. The Director made a recommendation to the Town Board; a copy is labeled Exhibit 4-B-05, and made a part of these minutes, Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Jet Vac, Inc., Paterson, NJ, the lowest qualified bidder, in the amount of \$194,120.00 to be charged to Account No. M8130022/50200.

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

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**RESOLUTION NO. 277****DECLARE PARKING METERS  
SURPLUS/AUTHORIZE SALE**

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

RESOLVED, that 180 parking meters are declared surplus and the Finance Director is hereby authorized to advertise for sealed bids for these meters. The bids are to be received by 10:30 a.m., and be publicly opened and read aloud at 11:00 a.m. on April 27, 2004. A report of all bids received and recommendation concerning the award is to be made at a Regular Town Board Meeting.

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

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**RESOLUTION NO. 278****STREET/TRAFFIC SIGN  
FABRICATION SYS/AWARD BID**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for a Street and Traffic Sign Fabrication System, which were received and publicly opened on March 30, 2005. The Superintendent made a recommendation to the Town Board; a copy is labeled Exhibit 4-C-05, and made a part of these minutes, Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Traffic & Parking Control, Elm Grove, WI, the only qualified bidder, in the amount of \$12,183.00 to be charged to Account No. D511004450457.

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

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**RESOLUTION NO. 279****ORANGETOWN CHILDREN'S  
SOCIETY/CO-SPONSORED  
FUNDING GRANT**

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

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation and Buildings and the Youth Recreation Advisory Committee, a co-sponsored funding grant from Account No. A7310/50482 is hereby awarded to Orangetown Children's Society for \$2,500.

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

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**RESOLUTION NO. 280****JANICE PRITCHARD/POLICE  
MATRON/APPOINT**

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

RESOLVED, that Janice Pritchard is hereby appointed to the position of Police Matron, part-time, at an hourly rate of \$25.00, effective April 13, 2005.

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

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**RESOLUTION NO. 281****EILEEN M BULLEY/POLICE  
MATRON/APPOINT**

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

RESOLVED, that Eileen M. Bulley is hereby appointed to the position of Police Matron, part-time, at an hourly rate of \$25.00, effective April 13, 2005.

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

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**RESOLUTION NO. 282****GROUNDS EQUIP MECHANIC  
ESTABLISH/BUILDINGS/PARKS  
RECREATION**

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

RESOLVED, the position of Grounds Equipment Mechanic in the Department of Parks, Recreation, and Buildings, grade 13, effective April 13, 2005 is hereby established.

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

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**RESOLUTION NO. 283****WILLIAM EYBERS/GROUNDS  
EQUIP MECHANIC/APPOINT  
BUILDINGS/PARKS/RECREATION**

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

RESOLVED, that William Eybers is hereby appointed to the position of Grounds Equipment Mechanic in the Department of Parks, Recreation, and Buildings, grade 13-7, annual salary of \$58,101.00, effective April 13, 2005.

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

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**RESOLUTION NO. 284****TAX COLLECTION TRAINING  
SEMINAR/ROBERT SIMON  
PERMISSION GRANTED**

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

RESOLVED, that permission is hereby granted to Robert R. Simon to attend a Training Seminar for Tax Collection Officers in Rochester, NY on June 12-15, 2005 at a cost of \$929.00 to be charged to Acct. A1330/0441/0480.

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

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**RESOLUTION NO. 285**

**CERTIFICATE OF  
REGISTRATION FOR SEWER  
WORK/APPROVED**

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

RESOLVED, that upon the recommendation of the Town Attorney and the Director of the Department of Environmental Management and Engineering, a Certificate of Registration For Sewer Work for 2005 is hereby approved for the following:

Dan Nolan, Inc.  
68 Kings Highway  
Orangeburg, NY 10962

Ronald Tarigo  
5 Cross Creek Lane  
Stony Point, NY 10980

Ronald Filera Landscape Contractors  
85 Red Schoolhouse Road  
Chestnut Ridge, NY 10977

Bruce G. Riffard  
19 Park Road  
Stony Point, NY 10980

A. Sasso Plumbing Corp.  
49 Woodhaven Drive  
New City, NY 10956

Phoenix Excavators Corporation  
62 Rose Road  
West Nyack, NY 10994

Kevin Stokes Excavating, Inc.  
52 Grotke Road  
Chestnut Ridge, NY 10977

Cal Mart Enterprises, Inc.  
357A Route 59  
West Nyack, NY 10994

SHF Corporation  
10 Glen Road  
Highland Falls, NY 10928

Mike Dutra Excavating, Inc.  
10 Stone Hollow Road  
Montvale, NJ 07645

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

Noes: None

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**RESOLUTION NO. 286**

**DEERWOOD/WASHINGTON  
MANOR SUBDIVISION/HIDDEN  
TRAILS, INC/ESCROW RELEASE**

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

RESOLVED, that upon the recommendation of the Superintendent of Highways, and the Director of the Department of Environmental Management and Engineering, the Finance Office is hereby authorized to release \$10,000 held in escrow for the completion of the Deerwood/Washington Manor Subdivision known as Hidden Trails, Inc. (Tracking No. 01-06-77.12:1:52, 53) set forth in Resolution No. 204, dated March 2, 2005.

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

Noes: None

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**RESOLUTION NO. 287**

**TAX CERTIORARI SETTLEMENT  
CSILLEBRC, INC**

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

RESOLVED, 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 proceeding known as *Csilleberc, Inc. v. Town of Orangetown, its Assessor and Board*

**Resolution No. 287 – Continued**

*Of Assessment Review of the Town of Orangetown, Tax Map No. 73.19, Block 1, Lot 3, for 2000, from \$1,971,900 to \$1,514,100 for a refund by the Town of \$4,788.00; and for 2001, from \$1,971,900 to \$1,409,400 for a refund by the Town of \$6,228.00; and for 2002, from \$1,971,900 to \$1,270,800 for a refund by the Town of \$7,655.00; and for 2003, from \$1,971,900 to \$1,207,500 for a refund by the Town of \$8,186.00; and for 2004, from \$1,971,900 to \$1,207,500 for a refund \$8,650.00.* Interest on the Town’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 is hereby approved.

Ayes: Councilpersons Manning, O’Donnell, Troy, Morr  
Supervisor Kleiner  
Noes: None

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**RESOLUTION NO. 288**

**TAX CERTIORARI SETTLEMENT  
HSBC BANK USA**

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

RESOLVED, 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 proceeding known as *HSBC Bank USA v. The Assessor, The Board of Assessors and The Board of Assessment Review of the Town of Orangetown and the Town of Orangetown, Tax Map No. 68.16, Block 6, Lot 63, for 2000, from \$615,300 to \$278,900 for a refund by the Town of \$3,549.00; and for 2001, from \$425,000 to \$271,300 for a refund by the Town of \$1,702.00; and for 2002, from \$425,000 to \$268,800 for a refund by the Town of \$1,705.00;* Interest on the Town’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 is hereby approved.

Ayes: Councilpersons Manning, O’Donnell, Troy, Morr  
Supervisor Kleiner  
Noes: None

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**RESOLUTION NO. 289**

**TOWN BOARD CALENDAR  
CHANGE/WORKSHOP/RTBM**

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

RESOLVED, that the August 8<sup>th</sup> workshop is hereby changed to August 1<sup>st</sup>; and the August 15<sup>th</sup> Regular Town Board Meeting is hereby changed to August 8<sup>th</sup>.

Ayes: Councilpersons Manning, O’Donnell, Troy, Morr  
Supervisor Kleiner  
Noes: None

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**RESOLUTION NO. 290**

**RPC/BALLFIELDS-FINAL DESIGN  
CONSTRUCTION ADMIN/36-05  
PROFESSIONAL SERVICES  
AGREEMENT/RECEIVED/FILED**

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

RESOLVED, that the Professional Services Agreement No. 36-05, Town of Orangetown Ballfields-Final Design and Construction Administration, between the Town and Lawler, Matusky & Skelly Engineers, LLP is received and filed in the Town Clerk’s Office.

Ayes: Councilpersons Manning, O’Donnell, Troy, Morr  
Supervisor Kleiner  
Noes: None

**RESOLUTION NO. 291****CHERRY BROOK DRAINAGE  
STUDY ENGINEERING SERVICES  
PROFESSIONAL SERVICES  
AGREEMENT 41-05 RECEIVED/FILED**

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

RESOLVED, that the Professional Services Agreement No. 41-05, Cherry Brook Drainage Study Engineering Services, between the Town and Lawler, Matusky & Skelly Engineers, LLP is received and filed in the Town Clerk's Office.

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

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**RESOLUTION NO. 292****RPC/NYS DORMITORY  
AUTHORITY/MENTAL HEALTH  
NON-REVOCABLE PERMIT FOR  
INSTALLATION/MONITORING OF  
WELLS/RECEIVED/FILED**

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

RESOLVED, that the original Dormitory Authority of the State of New York, In the Matter of the Application on Behalf of the Office of Mental Health, for Installation and Monitoring of Wells at Rockland Psychiatric Center in Rockland County Non-Revocable Permit and Certificate of Liability Insurance (policy no. SIM100390-03) is received and filed in the Town Clerk's Office.

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

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**RESOLUTION NO. 293****ACCEPT MINUTES**

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

RESOLVED, that the Regular Town Board Meeting, Audit Meeting and Executive Session minutes of March 28, 2005 and Executive Session minutes of April 4, 2005 are hereby accepted.

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

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**RESOLUTION NO. 294****ITW MINIGRIP/RETAIN JOSEPH  
RUSCIANO PE/APPRaiser**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Town Assessor, Joseph Rusciano, P.E., New Rochelle, New York, is hereby retained to value/appraise seventeen (17) existing holding tanks on the property known as ITW Minigrip (Tax Map Designation: 74.15-1-13) to be included in the Town's expert appraiser Beckmann Appraisal's report. This additional cost is estimated to be less than \$2,000.00.

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

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**RESOLUTION NO. 295**

**ADJOURNMENT/MEMORY**

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

RESOLVED, that this meeting hereby adjourned at 9:35 p.m. in memory of Peter Maher, Pearl River, Harry Mayer, Pearl River, and Anna Hogan, Pearl River.

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

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**Charlotte Madigan, Town Clerk**