

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
MONDAY, JUNE 13, 2005**

The Regular Town Board Meeting was opened at 7:40 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  
Teresa M. Kenny, Town Attorney  
Suzanne Barclay, Exec Asst. to Supervisor  
Charles Richardson, Director of Finance  
James Dean, Superintendent of Highways  
Ron Delo, Director of Dept. Environmental Mgt. & Eng.  
Kevin Nulty, Chief of Police  
Mary McCloskey, Assessor's Office  
Paul Witte, Code Enforcement Officer  
Rich Rose, Superintendent of Parks, Recreation and Buildings  
Mike Bettman, Fire Safety Inspector

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The Pledge of Allegiance to the Flag was led by Eileen Lyman.

A moment of silence was observed in memory of Christopher Bello and Capt. Phillip Esposito.

Kevin Nulty, Chief of Police, Supervisor Kleiner and the Town Board thanked the Auxiliary Police for the important community service they provide to the Town of Orangetown. Jack Lyman was an outstanding officer who served this community for 20 years. The "Jack Lyman Award" was designed to recognize a current member of the Auxiliary Police who has shown the same dedication. The Chief, Rich Padilla, Eileen Lyman along with other members of the Lyman Family, presented this year's award to Captain John Angelis for his work and dedication.

Supervisor Kleiner and the Town Board gave a special recognition to our own Max Seeger who was the first to video the RTBM for Cablevision. Max along with help from his father David and mother Holly worked vigorously to successfully put Orangetown on Cablevision. This enables the community to see their government at work on Tuesday nights following the RTBM. Max is graduating from TZHS and will be attending Manhattan College in September. We are very lucky to have his brother Sam presently taping our meetings and can look forward to his brother Ben and his sister Lilly to help us tape in the future. This is a very close-knit family with strong ties to the community and we are fortunate to have them so committed to community service.

Supervisor Kleiner announced that on Saturday, June 18<sup>th</sup> from 11am-3pm the hamlet of Palisades is giving a presentation called "Palisades History" at the Palisades Community Center and the ground breaking ceremony for Lion's Park, Blauvelt, has been rescheduled for June 25<sup>th</sup> at 11 am at the corner of Blauvelt Rd. and Western Hwy.

Public Comment

Fran Oldenburger, Open Space Committee, read a letter regarding protecting and preserving the United Water Co. properties.

Frank Phillips, Law Office of Phillips & Millman, requested that the Colonial Ct. zone change petition, submitted by Tri Bee Inc., be placed on the agenda. This petition is consistent with the current Master Plan.

Elena Bertussi Bachman, Pearl River, spoke in support of this senior housing project

Leon Jacobs, Blauvelt, spoke on behalf of the Colonial Ct. senior housing project.

Tom Bertussi, developer, said this development will not have an impact on the school district and it's an ideal site for seniors. He requested it be put on the agenda in two weeks.

Mrs. Urquhardt, Pearl River, is in favor of this senior housing.

John Halpin, Pearl River, is in favor of this senior housing.

Al Charletta, Pearl River, asked the Town Board to support this senior housing project.

Jim Rahal, Pearl River, is against this senior housing project. He prefers single-family homes as zoned.

Esta Baitler, Sparkill, thanked the Town for sidewalks along Rte. 340 and she hopes that this project will be finished soon.

Melanie Rock, Nyack, said the drainage is inadequate for the new approved development on Clausland Mt. This area should be included in the critical environmental area and blasting permits should be restricted.

Bernard Gollomp, Palisades, requested a report from the Town Board regarding the violations that exist at 38 Fern Rd., Palisades.

Dan Chavez, representing the Chase family at 250 Blauvelt Rd, said they are against the senior housing project on Colonial Ct.

Teresa Gilmartin, Pearl River, is against the Colonial Ct. senior housing project.

Maureen Shanahan, Pearl River, said Colonial Ct. is currently zoned for single-family homes and it should remain as such.

Arthur Matrisciani, Pearl River, is against the Colonial Ct. proposal of 14 units in fewer than two acres. This is a neighborhood conducive to single-family homes.

Jim O'Keefe, Blauvelt, is in favor of this senior housing. It is an excellent location for seniors, shopping and banking.

Gail Raffaele, Tappan, wants to make appointments with the Supervisor. She opposes additional training costs for Ron Delo and she is against the Colonial Ct. zone change.

Peter Donohue, Pearl River, is against the Colonial Ct. zone change.

Tony Doyle, Pearl River, is against the Colonial Ct. zone change and he believes the traffic study is incomplete.

Andrew Wiley, Pearl River, said STEJ received final approval and the property was sold without an appraisal. Also, he is against a CDA and the Colonial Ct. zone change.

Ken Lemm, Pearl River, is against the Colonial Ct. zone change.

Ruth Weber, Upper Grandview Association, spoke about tax relief, the land use board members, and that critical environmental areas need protection from blasting of bedrock.

Eileen Larkin, Palisades, spoke about Collective Bargaining for CSEA, the need for senior housing. Palisades History Day will be on Saturday.

Debbie Donohue, Pearl River, is against the Colonial Ct. zone change. The fabric of the neighbor should remain the same.

Lou Bertussi, Pearl River, explained the purpose of this senior citizen housing and stressed the importance for senior housing.

Mary Ellen Hoffman, Pearl River, is in favor of the Colonial Ct. zone change and asked when this would be on the agenda?

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#### **RESOLUTION NO. 385**

#### **CLOSE PUBLIC COMMENT**

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

RESOLVED, that the public comment portion is hereby closed.

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

Noes: None

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#### **RESOLUTION NO. 386**

#### **COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items one (1) through twenty-four (24) are hereby combined.

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

Noes: None

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**RESOLUTION NO. 387****ORANGEBURG FIRE DEPT  
CAMP VENTURE/DEL ARTE  
FOOD FESTIVAL/AID**

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

RESOLVED, that the request of the Orangeburg Fire Department and Camp Venture for the use of the show mobile for the Fourth Annual Del Arte Italian Food, Wine and Music Festival to raise funds for the Orangeburg Fire Department and Camp Venture on September 18, 2005 is hereby approved.

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

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**RESOLUTION NO. 388****APPOINT/SENIOR LEADER  
JOSEPHINE URBAN**

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

RESOLVED, that Josephine Urban is hereby appointed Senior Leader for Orangetown Senior Clubs, at an annually salary of \$4,750.00.

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

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**RESOLUTION NO. 389****WATER ENVIRONMENT  
CONFERENCE/RON DELO  
PERMISSION GRANTED**

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

RESOLVED, that permission is granted Ronald C. Delo to attend the Water Environment Federation 78<sup>th</sup> Annual Technical Exhibition and Conference in Washington, D.C., October 29 – November 2, 2005 in the amount of \$2,400 to be charged to Acct. # G8110/50441/50480.

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

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**RESOLUTION NO. 390****EMERGENCY PURCHASE  
VARIABLE FREQUENCY  
DRIVE/HUNT RD/PUMPING  
STATION/APPROVE**

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

RESOLVED, that an emergency is declared for the purposes of waiving the standard procurement procedures and the purchase of a replacement variable frequency drive for the Hunt Road pumping station at a cost of approximately \$19,000 plus installation costs of \$9,000 to be charged to Account No. G8120/50452 is hereby approved.

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

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**RESOLUTION NO. 391****EMERGENCY PURCHASE AUTO  
TRANSFER SWITCH /NYACK  
PUMPING STATION/APPROVE**

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

RESOLVED, that an emergency is declared for the purposes of waiving the standard procurement procedures and the purchase of a automatic transfer switch for the Nyack pumping station at a cost of approximately \$12,000 plus installation costs of \$20,000 to be charged to Account No. G8120/50455 is hereby approved.

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

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**RESOLUTION NO. 392****2005 CHEVROLET IMPALA  
LEASE-5 YEAR/FIRE  
PREVENTION/APPROVE**

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

RESOLVED, that a lease purchase of a 2005 Chevrolet Impala over four years at a cost of \$2,779.54 per year semi annually for the Bureau of Fire Prevention to be charged to Account No. B3621174/50444 is hereby approved.

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

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**RESOLUTION NO. 393****SNOW & ICE AGREEMENT/NYS  
TRANSPORTATION DEPT  
AMENDED**

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

RESOLVED, that the amendment to the Municipal Snow and Ice Agreement between the Town of Orangetown and the New York State Department of Transportation in the amount of 30,744.59 for additional miles maintained and \$5,811.68 for a fuel adjustment for a total increase of \$36,556.17 is hereby amended.

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

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**RESOLUTION NO. 394****APPOINT/GROUNDWORKER  
PARKS & RECREATION  
MICHAEL MCCAFFERTY**

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

RESOLVED, that Michael McCafferty is hereby appointed to the position of Grounds worker in the Department of Recreation and Parks, provisionally, grade 9-1, annual salary of \$39,452, effective June 14, 2005.

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

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**RESOLUTION NO. 395****ROCKLAND CTY NARCOTICS  
TASK FORCE/AGREEMENT**

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

RESOLVED, that an agreement between the Town of Orangetown and the County of Rockland for reimbursement in the amount of \$67,311 for the assignment of one full-time Orangetown police officer to the Rockland County Narcotics Task Force for the period January 1 to December 31, 2005 is hereby approved.

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

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**RESOLUTION NO. 396****ELECTRIC GEM CAR/TRANSFER  
NYACK PARKING AUTHORITY**

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

RESOLVED, that the transfer of GEM Electric Car No. 3E5 to the Village of Nyack Parking Authority is hereby approved.

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

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**RESOLUTION NO. 397****SEWER WORK/CERTIFICATE  
OF REGISTRATION/APPROVE**

Councilman Troy offered the following resolution, which was seconded by Councilwoman Manning 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 (Sewer Work) for 2005 is hereby approved for the following:

Monsey Excavating, Inc., 18 Laura Drive, Monsey, NY  
Joe D'Auria d/b/a J.D. Backhoe, 3 Route 340, Orangeburg, NY  
Victor P. Zugibe, In., 550 West Railroad Avenue, Garnerville, NY  
W. Harris & Son, Inc., 37 W. Washington Avenue, Pearl River, NY

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

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**RESOLUTION NO. 398****OLYMPUS INDUSTRIAL  
AMERICA/KEYMED/RELEASE  
PERFORMANCE BOND**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Planning Board (PB#05-44), the release of the Site Plan Performance Bond and the collateral therefore, in the sum of \$33,966.00 from Olympus Industrial America, Inc., as Agent for Keymed,

**Resolution No. 398 – Continued**

as Principal, in favor of the Town of Orangetown, as Obligee; said Performance Bond being collateralized by three (3) separate checks aggregating the sum of \$33,966.00 payable to the order of the Town of Orangetown which were deposited by the Director of Finance in an account maintained by the Town, pursuant to Resolution No. 287 adopted by the Town Board at its Regular Town Board Meeting held on May 13, 2002 is hereby approved.

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

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**RESOLUTION NO. 399****BRIAN A GILBRIDE/RELEASE  
PERFORMANCE BOND**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Planning Board (PB#05-54), the release of the Subdivision Performance Bond No. RSB 654293 in the sum of \$9,090.00 from Brian A. Gilbride, as Principal, and RLI Insurance Company, as Surety, in favor of the Town of Orangetown, as Obligee; said Performance Bond having been accepted, received and filed by virtue of Resolution No. 537 adopted by the Town Board at its at its Regular Town Board meeting held on September 8, 2003 is hereby approved.

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

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**RESOLUTION NO. 400****WYETH/REPLACEMENT  
INDENTURE/SANITARY SEWR  
EASEMENT/RECEIVE/FILE**

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

RESOLVED, that a Replacement Indenture between Wyeth Holdings Corporation ("WHC") and the Town of Orangetown for Sanitary Sewer Easement across WHC property is hereby received and filed in the Town Clerk's Office.

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

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**RESOLUTION NO. 401****BOND NO. 13BSBB09534/PAUL  
GUARINO/HARTFORD FIRE  
INSURANCE/RECEIVE/FILE**

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

RESOLVED, that the original Bond No. 13BSBB09534 between Paul Guarino Enterprises, Lt., as Principal and Hartford Fire Insurance Company, as Surety, whereby the Principal and the Surety are held and firmly bound unto Town of Orangetown in the sum of Thirty-Five Thousand Dollars (\$35,000). The term of this Bond is for a period beginning on June 17, 2005 and ending on June 17, 2006 and covers Town Property located at the Blue Hill Golf Course is hereby received and filed in the Town Clerk's Office.

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

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**RESOLUTION NO. 402**

**ACCEPT MINUTES**

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

RESOLVED, that the Regular Town Board Meeting, Audit Meeting and Executive Session minutes of May 23, 2005 and Executive Session minutes of June 6, 2005 are hereby accepted.

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

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**RESOLUTION NO. 403**

**HUDSON RIVER ESTUARY PROGRAM/MUSEUM/APPLY**

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

WHEREAS, the Town of Orangetown recognizes the importance of the Sparkill Creek in the Town's history and the critical role it continues to play as a watershed; and

WHEREAS, the Orangetown Museum has presented a comprehensive exhibition on the Sparkill Creek entitled "Down To The Hudson: The Sparkill Creek," with a range of materials including an interactive mural, a photographic timeline, land use maps, and a topographical color model; and

WHEREAS, the Orangetown Museum wishes to make the above exhibition available to the community as a permanent traveling exhibition;

RESOLVED, that the Town Historian of the Orangetown Historical Museum & Archives of the Town of Orangetown is hereby authorized and directed to file an application for funds from the Hudson River Estuary Program in accordance with the provisions of the Hudson River Estuary Management Act (11-0306 Environmental Conservation Law) in an amount not to exceed \$13,829.01, and on approval of said request, enter into an execute project agreement with the Hudson River Estuary program for such financial assistance to this organization/municipality for the exhibit "Down to The Hudson: The Sparkill Creek."

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

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**RESOLUTION NO. 404**

**RPC/STAFF CT/STATE TO SELL/STATE APPROVAL FOR PRIVATE DEVELOPER TO BUILD**

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

WHEREAS, at the time the Town of Orangetown purchased 348 acres of property at the Rockland Psychiatric Center it was contemplated that the Town would purchase an additional 5.9702 acres at "Staff Court" from the State at a later time; and

WHEREAS, since the time of the purchase of the original land at the RPC the State has changed its policy regarding the sale of property to mandate that the State must go out to public bid prior to the sale of any property; and

WHEREAS, because the acres at Staff Court are completely surrounded by lands already purchased by the Town and the State had contemplated selling the property to the Town if the Town (or a developer chosen by the Town in its RFP process) would build a new facility on other lands owned by the State;

**Resolution No. 404 – Continued**

RESOLVED, that the Town Board of the Town of Orangetown to adopts a resolution to Senator Morahan and Assemblyman Karben with copy to Governor Pataki requesting:

1. That the State shall be allowed to sell the 5.9702 acres at Staff Court to the Town of Orangetown without going out to public bid;
2. The State shall allow a private developer to build a facility meeting its specifications on State owned lands at the Rockland Psychiatric Center property without the public bidding requirements ordinarily required.

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

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**RESOLUTION NO. 405****AMTEK HUMAN RESOURCE  
LABOR RELATIONS/MICHAEL  
RICHARDSON/CSEA**

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

RESOLVED, that upon the recommendation of the Town Board of the Town of Orangetown and the Town Attorney, Michael Richardson, Director of Labor Relations, of AMTEK Human Resource Consultants, is hereby retained to consult with the Town Attorney's Office in collective bargaining negotiations;

RESOLVED FURTHER, the Supervisor is hereby authorized to execute a professional services agreement with AMTEK Human Resource Consultants, which agreement shall be in form and substance to the Town Attorney, and have an hourly rate of compensation of \$150.00 per hour, plus mileage and tolls (to be charged to Account No. B3120164/50457).

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

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**RESOLUTION NO. 406****TRAFFIC SIGNAL/SPARKILL  
UNION ST/MAIN ST/APPROVE**

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

RESOLVED, that an emergency purchase of a Traffic Signal for Union St. and Main St. in Sparkill, at a cost of approximately \$35,000 from Verde Electric, to be charged to Account No. MS190349/50457 is hereby approved.

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

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**RESOLUTION NO. 407****SPECIAL PARKING FUND  
ACCOUNT/APPROVE/PR**

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

RESOLVED, that the creation of a Special Parking Fund, to account for the revenues and cost of the Pearl River Parking System is hereby approved;

**Resolution No. 407 – Continued**

RESOLVED FURTHER, that transfers, as shown in Exhibit 6-A-05, and is made a part of these minutes, is hereby approved.

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

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**RESOLUTION NO. 408****NYS PARK/RECREATION  
SALYER HOUSE/APPLY  
GRANT/MUSEUM**

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

RESOLVED, that the Town Museum is hereby authorized to re-apply to New York State Park and Recreation for a Grant, of \$250,000.00, for renovations of the Salyer House with matching funds to come from private and Town sources for a total project cost of \$500,000.00.

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

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**RESOLUTION NO. 409****SERIAL BONDS-2005 \$3,275,000  
TRANSCRIPT OF PROCEEDINGS  
RECEIVE/FILE**

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

RESOLVED, that the Transcript of Proceedings for \$3,275,000 Public Improvement Serial Bonds-2005 (\$880,000 Public Improvement Serial Bonds-2005 Series A and \$2,395,000 Refunding Serial Bonds-2005 Series B) dated and closed April 5, 2005 are hereby received and filed in the Town Clerk's Office.

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

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**RESOLUTION NO. 410****ADJOURNMENT/MEMORY**

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

RESOLVED, that this meeting hereby adjourned at 10:37 p.m. in memory of Christopher Bello, son of Steve Bello, Capt. Phillip Esposito, Pearl River, Patricia Morgan, Blauvelt, and Thomas J. Lawless, Haverstraw's former Supervisor.

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

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**Charlotte Madigan, Town Clerk**