

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, OCTOBER 11, 2005**

The Regular Town Board Meeting was opened at 7:35 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  
Teresa 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.  
Robert Simon, Receiver of Taxes  
Bert von Wurmb, Building Inspector

The Pledge of Allegiance to the Flag was led by the members of the Raymond DeMeola Veterans of Foreign War Post 1615.

The Raymond DeMeola Post 1615 Veterans of Foreign War is celebrating their 35th Anniversary, October 12<sup>TH</sup> - 7:30 p.m.

On Monday, October 17<sup>th</sup> – 7 p.m., a public meeting will be held concerning drainage issues throughout the Town. The Police Department will be holding an Open House on Sunday, October 23<sup>rd</sup> – 11 a.m.

Supervisor Kleiner gave an update of the Cherry Brook Drainage System Design, the RPC Development Proposals and the tour of the four residential developments, which were planned and built by the three developers who submitted proposals for RPC.

Public Comment

Darcy Casteleiro, Riverkeeper, spoke about safety issues and safe energy regarding Indian Point. Noreen Hauburger, Orangeburg, requested Police and school officials to address TZ students leaving school, littering, and smoking near her property across from the school.

Andrew Wiley, Pearl River, is concerned about the number of senior houses, questioned money being spent and feels commercial property should include retail.

Charlie Connolly, Orangeburg, spoke about the forgotten flooded Isabel Rd. This consists of 25 homes with no storm drainage.

Frank Neeson, Pearl River, is in favor of The Pointe at Lake Tappan. He encourages the Town Board to expedite the public hearing and move forward on this much needed housing.

Ron Beckerle, Pearl River, agrees that The Pointe at Lake Tappan should be moved to completion immediately. He is impressed with the presentation & stressed the need for this type of housing.

Roger Ackermann, Pearl River, attended on behalf of senior citizens. He is in favor of The Pointe at Lake Tappan and would like to see this project move forward. It will serve the needs of the community well.

Pam Cantor, Piermont, said Indian Point should be closed and she is working for alternative power. She question if Rockland receives power from Indian Point and encourages the Town Board to pass a resolution to close Indian Point.

Chad Murdock, Pearl River, spoke regarding The Pointe at Lake Tappan and requested the Town Board to consider sewerage. He question if this would be negative to the reservoir and if there are any provision for developers to pay for maintenance of sewers?

Gail Raffaele, Tappan, questioned why combine an adult community with rateables? The Parking Supervisor could be a young adult who could also respond to ambulance and fire calls. She also said Lafayette Street also has drainage problems.

Debbie Traynor, spoke about the early childhood program in the school district. They are planning a fundraiser at Casa Mia to help this program.

Terri Grenier, Nyack, formed Blockwatch groups with residents and the Police to correct trouble in downtown Nyack. She requested an increase in Police patrol, especially 12 mid-night to 5 a.m.

Carol Katz, Orangeburg, asked the Town Board to give attention to the flooding on Isabel Rd. She said for the last 5 years flooding has increased and storm drains would help.

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**RESOLUTION NO. 631**

**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

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**RESOLUTION NO. 632**

**AID/EXCELSIOR FIRE/PEARL RIVER/TRUCK DEDICATION**

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

RESOLVED, that the request of the Excelsior Fire Engine Company of Pearl River, NY for the use of the Town's show-mobile, for a \$200 fee but waive the labor cost, and trash receptacles for the dedication of their Seagrave Rescue Pumper on October 29, 2005 to be charged to Account No. A7550/50457 and 50012 is hereby approved.

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

Noes: None

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**RESOLUTION NO. 633**

**THE POINTE AT LAKE TAPPAN (PAC) ARC/ZONE CHANGE/SET PUBLIC HEARING DATE**

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

RESOLVED, that November 14, 2005, 8:00 p.m. is set for a public hearing to consider a zone change application from ARC Properties for The Pointe at Lake Tappan, Blue Hill South Road, Pearl River (S/B/L/ 73.10-1-4,5,6) for a zone change for a portion of the property from Office Park (OP) to Planned Adult Community (PAC).

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

Noes: None

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**RESOLUTION NO. 634**

**THE POINTE AT LAKE TAPPAN (PAC) ARC/ZONE CHANGE NOTICE OF INTENT/LEAD AGENCY**

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

**Resolution No. 634 – Continued**

RESOLVED, that the Town Board gives Notice of Intent to declare itself Lead Agency in the matter of the zone change application from ARC Properties for The Pointe at Lake Tappan, Blue Hill South Road, Pearl River (S/B/L/ 73.10-1-4,5,6) for a zone change for a portion of the property from Office Park (OP) to Planned Adult Community (PAC).

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

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**RESOLUTION NO. 635****AMENDMENT/TOWN'S ZONING  
CODE/MIXED-USE DEVEL IN  
LIGHT INDUSTRIAL ZONING  
PUBLIC HEARING DATE**

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

RESOLVED, that November 14, 2005, 8:05 p.m. is set for a public hearing to consider an amendment to the Town's Zoning Code to allow mixed-use development as a special permit issued by the Town Board in Light Industrial (LI) zoning district.

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

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**RESOLUTION NO. 636****FEDERAL LAWSUIT/LEGAL  
REPRESENTATION/KEANE &  
BEANE**

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

RESOLVED, that the Law Firm of Keane & Beane is hereby retained for legal representation in a Federal lawsuit in an amount not to exceed \$195.00 per an hour to be Account No. MS193049-50457.

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

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**RESOLUTION NO. 637****NOMINATE POLICE OFFICER  
DAVID J BROCKWAY**

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

RESOLVED, that upon the recommendation of the Chief of Police, David J. Brockway is hereby nominated from the Rockland County Civil Service List #(OC) 04200 Police Officer, to the position of Police Officer pending certification from the Rockland County Department of Personnel and satisfactory completion of a background investigation.

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

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**RESOLUTION NO. 638****NOMINATE POLICE OFFICER  
NICHOLAS S WHALEN**

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

RESOLVED, that upon the recommendation of the Chief of Police, Nicholas S. Whalen is hereby nominated from the Rockland County Civil Service List #(OC) 04200 Police Officer, to the position of Police Officer pending certification from the Rockland County Department of Personnel and satisfactory completion of a background investigation.

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

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**RESOLUTION NO. 639****NOMINATE POLICE OFFICER  
JAMES E ACHESON**

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

RESOLVED, that upon the recommendation of the Chief of Police, James E. Acheson is hereby nominated from the Rockland County Civil Service List #(OC) 04200 Police Officer, to the position of Police Officer pending certification from the Rockland County Department of Personnel and satisfactory completion of a background investigation.

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

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**RESOLUTION NO. 640****NOMINATE POLICE OFFICER  
DANIEL S WILSON**

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

RESOLVED, that upon the recommendation of the Chief of Police, Daniel S. Wilson is hereby nominated from the Rockland County Civil Service List #(OC) 04200 Police Officer, to the position of Police Officer pending certification from the Rockland County Department of Personnel and satisfactory completion of a background investigation.

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

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**RESOLUTION NO. 641****NYS DOT INDEXED LUMP SUM  
MUNICIPAL SNOW/ICE AGRMT**

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

RESOLVED, that the Supervisor is hereby authorized to execute the Agreement to Extend the Indexed Lump Sum Municipal Snow and Ice Agreement between New York State Department of Transportation and the Town of Orangetown dated January 16, 1996 for a period of one year to June 30, 2007.

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

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**RESOLUTION NO. 642****ACCEPT MINUTES**

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

RESOLVED, that the Regular Town Board Meeting and Audit Meeting minutes of September 26, 2005 and Executive Session minutes of October 5, 2005 are hereby accepted.

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

Noes: None

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**RESOLUTION NO. 643****2006 TENTATIVE BUDGET  
RECEIVE/FILE**

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

RESOLVED, that the 2006 Tentative Budget was received and filed in the Town Clerk's Office on September 26, 2005.

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

Noes: None

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**RESOLUTION NO. 644****INTERMUNICIPAL AGREEMENT  
S ORANGETOWN SCHOOLS  
RECEIVE/FILE**

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

RESOLVED, that the fully executed Intermunicipal Agreements between South Orangetown Central School District and the Town of Orangetown, dated September 1, 2005 is received and filed in the Town Clerk's Office.

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

Noes: None

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**RESOLUTION NO. 645****CO-SPONSORED FUNDING  
AGREEMENT/ORANGETOWN  
CHILDREN'S SOCIETY  
RECEIVE/FILE**

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

RESOLVED, that the fully executed Co-Sponsored Funding Agreement between the Town and Orangetown Children's Society, Inc is received and filed in the Town Clerk's Office.

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

Noes: None

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**RESOLUTION NO. 646****INTERMUNICIPAL AGREEMENT  
ROCKLAND CTY/SUPER SAVER  
BUS TICKETS/RECEIVE/FILE**

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

**Resolution No. 646 – Continued**

RESOLVED, that the fully executed Intermunicipal Cooperation Agreement between the County of Rockland and the Town of Orangetown to coordinate the sale of “Super Saver Bus Tickets” is received and filed in the Town Clerk’s Office.

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

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**RESOLUTION NO. 647**

**HI-TOR ANIMAL SHELTER  
 AGREEMENT/RECEIVE/FILE**

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

RESOLVED, that the fully executed agreement between the Hi-Tor Animal Shelter and the Town for a shelter or pound for seized, lost, strayed or homeless animals is received and filed in the Town Clerk’s Office.

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

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**RESOLUTION NO. 648**

**CHERRY BROOK DRAINAGE  
 PHASE I/CAL MART/BID**

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

WHEREAS, the Director of the Dept. Environmental Management & Engineer duly advertised for sealed bids for Phase I of the Cherry Brook Drainage Improvements, Crooked Hill Road Detention Basin in accordance with the contract documents, which were received and publicly opened on October 7, 2005. The Director made a recommendation to the Town Board; a copy is labeled Exhibit 10-A-05, and made a part of these minutes, Now, Therefore, Be It

RESOLVED, that conditioned upon the approval by the Town Board and the Office of the Town Attorney of the lease, purchase or sale agreement with Wyeth Holdings Corporation (for lands shown on the Orangetown Tax Map as Sec 68.12 Blk 3 Lot 21), this bid is hereby awarded to Cal-Mart Enterprises, Inc., West Nyack, NY, the lowest qualified bidder, in the amount of \$478,478.00 to be charged to Account No. H5130022/50200.

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

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**RESOLUTION NO. 649**

**ADJOURNMENT/MEMORY**

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

RESOLVED, that this Regular Town Board Meeting adjourned at 9:10 p.m. in memory of Samuel Shufford, Sparkill.

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

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**Charlotte Madigan, Town Clerk**