

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
MONDAY, MAY 24, 2004**

The Regular Town Board Meeting was opened at 8:11 p.m. Supervisor Kleiner presided and called the Roll. Present were:

Councilman Denis Troy  
Councilwoman Marie Manning  
Councilman Thomas Morr

Absent: Councilman Denis O'Donnell

Also present: Teresa Sebastian, Deputy Town Clerk  
Eliot Tozer, Deputy Supervisor  
Suzanne Barclay, Executive Asst. to Supvr.  
Teresa Kenny, Town Attorney  
John Edwards, Deputy Town Attorney  
William Reddy, Deputy Town Attorney  
Charles Richardson, Director of Finance  
James Dean, Superintendent of Highways  
Jaya Bhattacharyya, Environmental Mgt. & Eng.  
Ronald Delo, Environmental Mgt. & Eng.  
Terrence Sullivan, Police Captain  
Robert Simon, Receiver of Taxes  
Mary McCloskey, Assessor's Office  
John Giardiello, Director, OBZPAE  
Ann Maestri, Supervisor of Fiscal Services  
Richard Rose, Superintendent of Parks, Rec. & Bldg. Maint.

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The Pledge of Allegiance to the Flag was led by Supervisor Kleiner.

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Supervisor Kleiner announced that Max Seeger, our cameraman, was the recipient of the National Television Academy winner of the New York Chapter Student Television award for excellence for public affairs recognizing outstanding television journalism.

The Town received the William H. White for creativity and planning for the Route 303 Sustainable Development Study and the Orangetown Overlay District

The Request for Qualifications (RFQ) for RPC redevelopment of the CORE piece advertisement appeared in yesterday's paper.

The Town gave a Certificate of Appreciation to the Emergency Services organizations in recognition of May 17<sup>th</sup> – 23<sup>rd</sup>, as "Emergency Services Week". Jim Dress, South Orangetown Ambulance Core, welcomed all the EMS Volunteers, paramedics, police officers, and everyone who help save lives in the community. Bob Ronfield stressed the importance of the Pearl River Alumni Ambulance Core. The Core has provided continual tax-free service to the residents for over 65 years. They thanked the Rockland Paramedics for training, education and for their services to the community. Jim Dress explained the CARELINK program, CPR classes, the importance of educating the community in saving lives and reaching out to the seniors. Diane Kayser spoke about the importance of CARELINK KIDS, which is a program to educate parents/guardians on children health, safety and security.

Ronald Delo gave an update on the Stormwater Management Program. The Town is in compliance, according to NYS guidelines. To have this program fully implemented by January 2008, it will need additional resources.

**RESOLUTION NO. 355**

**OPEN P/H ZONE CHANGE  
GARDEN HILL TOWNHOUSES  
TRI BEE LTD/PEARL RIVER**

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

RESOLVED, that the public hearing to consider a zone change application from *Tri Bee Ltd.* for *Garden Hill Townhouses*, 118-122 South Middletown Road, Pearl River (S/B/L 69.17-1-59) from Medium Density Residence (R-15) to Planned Adult Community (PAC) is hereby opened.

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

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Teresa Sebastian, Deputy Town Clerk, presented the Affidavit of Publication and Notice of Posting, copies are labeled Exhibit 5-B-04 and made a part of these minutes.

Donald Brenner, attorney for Tri Bee, and Tom Bertussi of Tri Bee Ltd. gave a presentation and answered questions about the zone change and senior townhouses.

Mary Ann Forseeo, Pearl River, questioned the senior list Mr. Bertussi used.  
Janet D'Andrea, Orangeburg, wishes the Town Board to move forward with Senior/Adult housing.

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**RESOLUTION NO. 356**

**CLOSE P/H ZONE CHANGE  
GARDEN HILL TOWNHOUSES  
TRI BEE LTD/PEARL RIVER**

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

RESOLVED, that this public hearing is hereby closed.

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

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**RESOLUTION NO. 357**

**DESIGNATION OF LEAD AGENCY  
ZONE CHANGE/GARDEN HILL  
TOWNHOUSES/TRI BEE  
LTD/PEARL RIVER**

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

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

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

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**RESOLUTION NO. 358****SEQRA DECLARATION  
ZONE CHANGE/GARDEN HILL  
TOWNHOUSES/TRI BEE  
LTD/PEARL RIVER**

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

RESOLVED, that a negative SEQRA Declaration is hereby adopted, a copy is labeled Exhibit 5-C-04 and made a part of these minutes.

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

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**RESOLUTION NO. 359****TOWN BOARD DECISION  
ZONE CHANGE/GARDEN HILL  
TOWNHOUSES/TRI BEE  
LTD/PEARL RIVER**

Councilman Troy offered the following resolution, which was seconded by Councilman Morr and on a roll call was adopted:

RESOLVED, that a zone change application from *Tri Bee Ltd.* for *Garden Hill Townhouses*, 118-122 South Middletown Road, Pearl River (S/B/L 69.17-1-59) from Medium Density Residence (R-15) to Planned Adult Community (PAC) is hereby adopted.

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

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**Public Portion (RTBM)**

Betsy Brenner, Orangeburg, concerned about Bonding, taxes and the vote regarding the pool and community center.

Shelly Morgan, Tappan, will summer programs have use of the pool? What businesses are interested in RPC? Has Piermont given the Town \$50,000?

Ruth Vezzitti, Tappan, discussed billing of Sewer District No. 1.

Genevieve Coffey, Pearl River, is pleased that Mr. Bertussi sold to Orangetown seniors. She is concerned with property elevation and clear cutting by her home.

Ed Lane, Pearl River, spoke about his concern of the Recreation Trust Fund, and how this will increase taxes and cost of new construction homes.

Eileen Larkin, Palisades, are there any significant environmental problems with the RPC sites? She requested a Bond referendum for the cost of the pool.

Albert Alexander, Pearl River, is in favor of senior housing.

Mary McCloskey, Blauvelt, feels the Recreation Trust Fund should be considered/talked about further and feels \$5,000 is outrageous. A Community Center is needed. She wishes for the other two adult community projects to move along quickly.

Fran Oldenburger, Blauvelt, informed the Town Board that the Open Space Committee will soon be nominating parcels to the Rockland County Acquisition program.

Catherine Dodge, Orangeburg, said a community center is needed, especially for the children who are not interested in sports. She questioned the \$900,000 Bond resolution for athletic fields and she is in favor of the increase for the Recreation Fund.

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**RESOLUTION NO. 360****CLOSE PUBLIC PORTION**

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

**Resolution No. 360 – Continued**

RESOLVED, that the public portion is hereby closed.

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

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**RESOLUTION NO. 361**

**RPC/LEAD AGENCY/RECREATION  
ZONE/POOL & COMMUNITY  
CTR/SPORTS CTR/BALLFIELDS**

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

RESOLVED, that the Town of Orangetown issues a Negative Declaration with respect to the adoption of a zoning text amendment, creating the RPC-R zoning district; funding for, and construction of, a town aquatic facility and community center at the RPC site; and related recreational projects, including the conveyance of approximately 16+ acres to a private developer for an indoor recreational facility and the construction of Town athletic fields is adopted, a copy is labeled Exhibit 5-D-04 and made a part of these minutes.

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

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**RESOLUTION NO. 362**

**RPC/APPROVE AMENDMENT  
BH&A CONTRACT/\$49,190**

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

RESOLVED, that the amendment in the amount of \$49,190 to the BH & A Contract to allow engineering consultant (LMS) to design off-site improvements is approved.

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

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**RESOLUTION NO. 363**

**RPC/APPROVE AMENDMENT  
BOND RESOLUTION –POOL &  
COMMUNITY CTR/\$14.7 MILLION**

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

RESOLVED, that the decision of an amendment to June 9, 2003 Bond Resolution in order to allow the issuance of \$14.7 million in bonds for the construction of the pool and community center at the RPC site, including shared infrastructure has been adjourned to a Special Town Board Meeting, June 7, 2004, 8 p.m.

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

**RESOLUTION NO. 364****APPROVE CONSULTANT  
HOURS/DEME/RON DELO**

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

RESOLVED, that an increase in hours for Ron Delo as consultant, as director of DEME from 16 hours up to 35 hours per week, effective immediately is approved.

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

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**RESOLUTION NO. 365****RPC/AUTHORIZE CONTRACT  
PATRICK JOSEPH WRAFTER  
BROADACRES GOLF COURSE**

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

RESOLVED, that the Supervisor is authorized to execute a contract with Patrick Joseph Wrafter to render services for the operation of the Broadacres Golf Course and Pro Shop including but not limited to collecting greens fees, issuing golf carts, and maintaining areas within 20 feet of the Pro Shop with personnel as supplied by the Town of Orangetown for an amount not to exceed \$42,000 for the period of April 1, 2004 through November 30, 2004.

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

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**RESOLUTION NO. 366****APPROVE AID/LIONS CLUB  
TRANSPORTATION/YANKEE &  
SHEA STADIUMS/SOLL**

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

RESOLVED, that the request of the Lions Club of Blauvelt for aid of the use of a bus to transport South Orangetown Little League and other children to Yankee Stadium on July 29 and to Shea Stadium on August 24, 2004 is approved.

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

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**RESOLUTION NO. 367****REFER ZONE CHANGE/AGENCIES  
NOTICE OF INTENT/LEAD AGENCY  
THE POINTE AT LAKE TAPPAN  
PEARL RIVER VETERANS/ARC**

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

**Resolution No. 367 – Continued**

RESOLVED, that the Town Board gives Notice of Intent to declare itself Lead Agency for the purposes of the environmental review of the PAC Zone Change application for The Pointe at Lake Tappan, proposed by Pearl River Veterans, LLC (ARC) for property located Veterans Memorial Dr, Pearl River (73.10-1-4, 5, and 6) and refer to appropriate agencies for review and comment including any required review under Section 239 of the General Municipal Law.

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

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**RESOLUTION NO. 368**

**POLICE REGULATION-NO  
 PARKING/WESTERN HWY  
 SYLVANUS COURT/ERIE ST**

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

RESOLVED, that the installation of “No Parking” signs on the eastern side of Western Highway, from Erie Street to Sylvanus Court in Blauvelt (This is to be a six-month police regulation) is referred back to the Traffic Advisory Committee for additional comments.

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

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**RESOLUTION NO. 369**

**AUTHORIZE TRANSFER  
 \$710,000 FROM GENERAL  
 FUND TO CAPITAL PROJECTS**

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

RESOLVED, that a loan of general funds, not to exceed \$710,000 from the General Fund to the Capital Project Funds for closing on the Collins property, with bond proceeds to reimburse the General Fund is authorized.

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

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**RESOLUTION NO. 370**

**COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items sixteen (16) through twenty-seven (27) except item twenty-one (21) are hereby combined.

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

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**RESOLUTION NO. 371****PERMISSION GRANTED/HWY  
DEAN/YANNAZZONE/MUNNO &  
BODENSTAB/HIGHWAY SCH**

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

RESOLVED, that permission is granted for James J. Dean, Michael Yannazzone, Stephen Munno, and Wilhelm Bodenstab of the Highway Department to attend the 2004 Highway School at Ithaca College, Ithaca, NY on June 7-9, 2004 at a cost of \$1,534.00 to be charged to Account No. A5010/50441/50480.

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

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**RESOLUTION NO. 372****ADV BIDS/NEW HEAVY-DUTY  
TANDEM DUMP TRUCK W/PLOW  
HIGHWAY DEPT**

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

RESOLVED, that the Superintendent of Highways is hereby authorized to advertise for sealed bids for *the purchase of one (1) new heavy-duty dump truck with wing plow* and, Be It

RESOLVED FURTHER, that bids are to be received by 10:30 a.m. on June 16, 2004, 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: Councilpersons Troy, Manning, Morr  
Supervisor Kleiner  
Noes: None  
Absent: Councilman O'Donnell

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**RESOLUTION NO. 373****ADV BIDS/NEW HEAVY-DUTY  
DUMP TRUCK W/ACCESSORIES  
HIGHWAY DEPT**

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

RESOLVED, that the Superintendent of Highways is hereby authorized to advertise for sealed bids for *the purchase of one (1) new heavy-duty dump truck with accessories* and, Be It

RESOLVED FURTHER, that bids are to be received by 10:30 a.m. on June 16, 2004, and be publicly opened and read aloud at 11:05 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: Councilpersons Troy, Manning, Morr  
Supervisor Kleiner  
Noes: None  
Absent: Councilman O'Donnell

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**RESOLUTION NO. 374****ADV BIDS/LEAF VACUUM  
MACHINES/HIGHWAY DEPT**

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

RESOLVED, that the Superintendent of Highways is hereby authorized to advertise for sealed bids for *the purchase of two (2) new leaf vacuum machines* and, Be It

RESOLVED FURTHER, that bids are to be received by 10:30 a.m. on June 16, 2004, and be publicly opened and read aloud at 11:10 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: Councilpersons Troy, Manning, Morr  
Supervisor Kleiner  
Noes: None  
Absent: Councilman O'Donnell

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**RESOLUTION NO. 375****APPOINT/POLICE DEPT  
SECRETARIAL ASST II CAROL  
RAPATSKI**

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

RESOLVED, that provisional employee, Carol Rapatski, is appointed permanently, in the title of Secretarial Assistant II in the Police Department, from Eligible List No. 04143, effective 5/1/04, grade 10, at an annual salary of \$48,379.00.

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

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**RESOLUTION NO. 376****APPROVE INCREASE  
RECREATION TRUST FUND**

Councilman Morr motion to **table** the following resolution, which was seconded by Councilman Troy and on a roll call failed:

RESOLVED, that the approval of the Recreation Trust Fund be increased from \$2,500.00 per lot to \$5,000.00 per lot **failed**.

Ayes: Councilpersons Morr, Troy  
Noes: Councilwoman Manning, Supervisor Kleiner  
Absent: Councilman O'Donnell

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**RESOLUTION NO. 377****APPROVE INCREASE  
RECREATION TRUST FUND**

Councilwoman Manning offered the following resolution, which was seconded by Supervisor Kleiner and on a roll call failed:

RESOLVED, that the approval of the Recreation Trust Fund be increased from \$2,500.00 per lot to \$5,000.00 per lot **failed** because of a 2-2 vote.

Ayes: Councilwoman Manning, Supervisor Kleiner  
Noes: Councilman, Troy, Morr  
Absent: Councilman O'Donnell

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**RESOLUTION NO. 378**

**APPLY FOR FUNDING  
HUDSON RIVER ESTUARY  
SPARKILL PARK – RTE 340**

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

RESOLVED, that the Supervisor is authorized to apply for funding through the 2004 Hudson River Estuary Grants Program for improvements to the Sparkill park property on Route 340.

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

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**RESOLUTION NO. 379**

**APPLY FOR FUNDING  
ENVIRONMENTAL PROTECT  
ACT 1993 & WATER CONSERV  
PARK/PLAYGROUND IMPROV  
INDEPENDENCE PARK**

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

RESOLVED, that the Supervisor is authorized to apply for funding through the Environmental Protection Act of 1993 and Federal Law and Water Conservation Fund for park and playground improvements to Independence Park.

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

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**RESOLUTION NO. 380**

**RELEASE PERFORMANCE  
BOND/PALISADES GREENS  
GOLF COURSE (MANHATTAN  
WOODS) \$10,000**

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, Highway Department, and the Department of Environmental Mgt. & Engineering, the Finance Department is authorized to release Performance Bond (certified check in lieu of Performance Bond, dated August 1999) in the amount of \$10,000.00 for *Palisades Greens Golf Course (Manhattan Woods)*.

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

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**RESOLUTION NO. 381****AUTHORIZE/EXECUTE/AGREEM  
COOPERATIVE OPERATIONS &  
MAINTENANCE/COLLINS PROP**

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

RESOLVED, that upon the review and approval of the Town Attorney, the Town Supervisor is authorized to execute and deliver a "Cooperative Operations and Maintenance Agreement" with regard to the Town of Orangetown's open space acquisition of property currently owned by the Estate of John J. Collins. This Agreement is to be entered into by the Town of Orangetown, the County of Rockland, and the Palisades Interstate Park Commission (PIPC).

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

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**RESOLUTION NO. 382****RELEASE PERFORMANCE  
BOND/HICKORY ESTATES  
G & W BUILDERS/\$126,450**

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, the release of the Subdivision Performance Bond/Irrevocable Letter of Credit No. 1621, dated August 1, 1997, as last extended to July 30, 2004, issued by Union State Bank in favor of the Town of Orangetown, as Beneficiary, by order of G & W Builders Corp., as Applicant, in the amount of \$126,450.00 in connection with certain public improvements made at or in the Hickory Estates Subdivision at property designated as Section 70.15, Block 1, Lots 10.1, 10.2, 10.3, 10.4, and 10.5, Blauvelt is authorized; and Be It

RESOLVED FURTHER, that the Town Attorney, who holds this Letter of Credit (Performance Bond) is hereby authorized and directed to surrender the original of said Letter of Credit No. 1621 to the Applicant named therein, subject to an appropriate receipt therefore, and to notify the Issuer thereof (Union State Bank) of said release and surrender by the Town of Orangetown, as the Beneficiary named in said Letter of Credit No. 1621 dated August 1, 1997, as last extended to and due to mature on July 20, 2004. A copy of this transaction is to be sent to the Town Clerk's office.

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

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**RESOLUTION NO. 382****ACCEPT MINUTES**

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

RESOLVED, that the Regular Town Board minutes of April 26, 2004, Audit/Executive Session minutes of April 26, 2004, Workshop/Executive Session minutes of May 3<sup>rd</sup> and May 17, 2004, Regular Town Board/Executive Session minutes of May 10, 2004 and Audit minutes of May 10, 2004 are hereby accepted.

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

**RESOLUTION NO. 384**

**ADJOURNMENT/MEMORY**

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

RESOLVED, that this meeting is hereby adjourned at 11:40 p.m., in memory of Frank McDonagh, Pearl River and in honor of all men and women, who previously and presently serve and defend our nation.

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

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**Charlotte Madigan, Town Clerk**