

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
WEDNESDAY, MARCH 2, 2005**

The Regular Town Board Meeting was opened at 7:40 p.m. Supervisor Kleiner presided. The Supervisor 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
Teresa M. Kenny, Town Attorney
John S. Edwards, First Deputy Town Attorney
James Dean, Superintendent of Highways
Ron Delo, Director of Dept. Environmental Mgt. & Eng.
Robert Simon, Receiver of Taxes
Terrance Sullivan, Police Captain
Mary McCloskey, Assessor's Office
John Paci, Building Dept.
Rich Rose, Superintendent of Parks, Recreation and Buildings

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

Supervisor Kleiner discussed the Referendum Petition in connection with bonding for the Recreation fields at RPC. A resolution was passed Monday authorizing the Town Attorney to challenge the petition. The Supervisor and Councilwoman Manning were away and unable to attend Monday's meeting but the Supervisor supported the Town Board actions.

Public Comment

Andrew Wiley, Pearl River, questioned the reasons and rationales of the property picked for the ball fields. He questioned if the Town Board actions, which took place Monday, was legal. He is in favor of a permissive referendum.

Paul Malone, Tappan, concurs with Mr. Wiley.

Tom Cicarelli, Pearl River, commented that the Rockland County Times had his name but another man's story. He re-iterated that he is against senior housing on Middletown Road.

Eileen Larkin, Palisades, believes adults as well as children should be able to use the fields. She believes petitions will continue, while expenditures of taxes are questioned. People carrying the petition are not anti-children.

Mike Henry, Pres of Pearl River Ice Hockey, is against this petition. He supports the action of the Town Board and supports all of Orangetown's sport leagues. He believes the petition represents a small group and is not a reflection of the majority of the taxpayers.

Debbie Tarantino, Orangeburg, feels majority of the people of the Town voted for the Town Board to represent the entire Town. She supports the action of the Board, feels the petition was misleading and believes all children will be able to play on these fields.

Jim Berrigan, Blauvelt, considers the Town Board able to make the best decisions for the Town. He supports the efforts of the Town Board to get the fields built. Children need safe ball fields on which to play on. The petition is ambiguous and stalls the process of recreation.

Rich Volpe, Pres. of SOLL, reminded the public that all sports are in desperate need of playing fields. RPC was purchased, in order to commit to development of recreation especially for our youths. SOLL supports the Town Board's decision and hopes they can go forward with the bond.

Kevin Cantwell, Orangetown, moved here because of the great family environment. He does not agree that the petition was presented with all the information. He requested the Town Board to move forward with this project and supports the bond.

Carol Silverstein, Orangeburg, people who carried the petition are not against recreation. The First Amendment says everyone has the right to freedom of speech especially if one disagrees with the actions of others. She feels the Town Board should not have the only vote to spend over \$2 million to fix ball fields.

Genevieve Coffey, Pearl River, believes there are more pressing issues than sports. Senior citizens should not be driven out of the Town by high taxes.

Bill Schule, representing OMM, is committed to raising over \$1 million for other improvements to the ball fields. He believes some people would not have signed the petition because it was not presented properly or professionally.

Terri Dillon, Pearl River, signed the petition but was completely misled. She is in favor of the bond for the ball fields.

Al Sabatino, Tappan, believes the majority who signed the petition did understand what they were signing. He hopes the Town Board will not ignore the petition and hear the taxpayers.

Giuliano Premus, Tappan, came to this country to live but the taxes are driving him out. He is against taxpayers paying for the ball fields.

Kerry Beckmann, Blauvelt, supports our local government and the decision to address the ball fields. She is angry about how our local government is being derailed. Taxpayers have recourse at regular election time. To force a vote on this issue is wrong particularly because it's an issue concerning our youth.

Gail Raffaele, Tappan, applauded Andrew Wiley. She believes a permissive referendum will dictate the wants and needs of the majority.

Shelly Morgan, Tappan, residents should not pay extra to enjoy the Piermont pier. Equality should be for all Orangetown residents not just Piermont residents.

Ellen McCarty, Tappan, is not against the ball fields. However, many senior citizens are on fixed incomes and cannot keep up with the increase of taxes.

The Town Board stressed the importance of not delaying the preparation of these fields. This is not an extravagant motion by the Town Board. The ability to increase our ball fields was one of the reasons we purchased the Rockland Psychiatric Center (RPC) property. The State mandated 216 acres out of 348 acres to be used for recreation. The Town Board believes these fields will act as open space, add to the quality of life for all families and children and will be open to all residents of Orangetown. The Town Board as a whole is dedicated to promoting the best for the community at large. They also reminded the public that this is a discussion that has taken place for the past six years and is supported by UPDAC and many communities of Orangetown.

RESOLUTION NO. 186

CLOSE PUBLIC COMMENT

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

RESOLVED, that the Public comment portion is hereby closed.

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

Noes: None

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RESOLUTION NO. 187

**LL AMENDING CHAPTER 1
ATTENDANCE REQUIREMENTS
APPOINTED BOARDS/OPEN PH**

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

RESOLVED, that the public hearing to consider a proposed Local Law amending Chapter I of the Town Code by adding a new Article III entitled "Attendance Requirements Applicable to Appointed Boards" is hereby opened.

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

Noes: None

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 3-A-05 and made a part of these minutes.

The public portion was opened and the following residents spoke:

Theresa Krumm, Tappan, questioned if proposal was sent to County Planning for review? She feels this is premature because board members were unaware of this amendment. There should be requirements but not a Town Law.

Thano Schoeppel, Tappan, believes there should be guidelines but not a local law. He suggests these boards be unpaid positions and based on merit.

Gail Raffaele, Tappan, is opposed to this law and feel the Town Board be part of this legislature.

John Duffy, Blauvelt, supports this amendment but the Town Board should be subject to it.

Carol Silverstein, Orangeburg, recommends having same requirements for all of the Town committees.

Robert Dell, Tappan, agrees with this amendment. Board members attend meetings as a service to the Town and continuity is lost if members are not present. He suggests absent member be notified in writing with a time limit to respond.

RESOLUTION NO. 188

**LL AMENDING CHAPTER 1
ATTENDANCE REQUIREMENTS
APPOINTED BOARDS /CLOSE PH**

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

RESOLVED, that the public portion is hereby closed.

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

Noes: None

RESOLUTION NO. 189

**ADOPTED/ LL AMENDING
CHAPTER 1/ATTENDANCE
REQUIREMENTS/BOARDS**

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

RESOLVED, that a proposed Local Law amending Chapter I of the Town Code by adding a new Article III entitled "Attendance Requirements Applicable to Appointed Boards" is hereby adopted.

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

Noes: None

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RESOLUTION NO. 190

**LL AMENDING VEHICLES &
TRAFFIC/LOCAL LAW 3, 1964
OPEN PH**

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 adoption/enactment of four proposed Local Laws amending existing Local Law No. 3, 1964 (Chapter 39 of the Code of the Town of Orangetown entitled "Vehicles and Traffic") so as to add the following new sub-sections:

Subsection "68" to paragraph "A" of Section 39-6 - Prohibition of parking on designated highways (In the Hamlet of Pearl River);

Subsection "10" to paragraph "C" of Section 39-6 – Prohibition of parking on designated highways (In the Hamlet of Blauvelt);

Resolution No. 190 – Continued

Subsection “K” to Section 39-7 – Time Limitation on parking; and

Subsection “70” to paragraph “B” of Section 39-8 – Stop intersections (In the Hamlet of Orangeburg) is hereby opened.

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

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 3-B-05 and made a part of these minutes.

The public portion was opened and no one spoke.

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RESOLUTION NO. 191

**LL AMENDING VEHICLES &
TRAFFIC/LOCAL LAW 3, 1964
CLOSE PH**

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

RESOLVED, that the public portion is hereby closed.

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

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RESOLUTION NO. 192

**ADOPTED/LL AMENDING
VEHICLES & TRAFFIC
LOCAL LAW 3, 1964**

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

RESOLVED, that the adoption/enactment of four proposed Local Laws amending existing Local Law No. 3, 1964 (Chapter 39 of the Code of the Town of Orangetown entitled “Vehicles and Traffic”) so as to add the following new sub-sections is hereby adopted:

Subsection “68” to paragraph “A” of Section 39-6 - Prohibition of parking on designated highways (In the Hamlet of Pearl River);

Subsection “10” to paragraph “C” of Section 39-6 – Prohibition of parking on designated highways (In the Hamlet of Blauvelt);

Subsection “K” to Section 39-7 – Time Limitation on parking; and

Subsection “70” to paragraph “B” of Section 39-8 – Stop intersections (In the Hamlet of Orangeburg).

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

RESOLUTION NO. 193**PEARL RIVER HOOK & LADDER
LADIES AUX/CRAFT FAIR/FLEA
MARKET/AID**

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

RESOLVED, that the request of the Ladies Auxiliary of the Pearl River Hook & Ladder Company No. 1 for the use of three portable toilets and trash barrels for their Craft Fair and Flea Market to be held at the Central Avenue field in Pearl River on Sunday, May 1, 2005 with a certificate of insurance to be provided by the Auxiliary is hereby approved. Expense to be charged to Account No. A7750/50011 and 50457

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

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RESOLUTION NO. 194**COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items thirteen (13) through twenty-four (24) are hereby combined.

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

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RESOLUTION NO. 195**DEPEW HOUSE WINDOWS
BID AWARDED/MUSEUM**

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

WHEREAS, the Director of Environmental Management. & Engineering duly advertised for sealed bids for windows for the DePew House, which were received and publicly opened and read aloud on February 16, 2005, and

WHEREAS, these bids were referred to the Town Museum for recommendation and report, a copy is labeled Exhibit 3-C-05, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that the bid for windows for the DePew House is hereby awarded to *The Window and Door Outlet*, the lowest eligible bidder, in the amount of \$28,500 to be charged to Account No. A7520/50200.

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

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RESOLUTION NO. 196**WATER ENV FEDERATION
RONALD DELO/DEME
PERMISSION GRANTED**

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

Resolution No. 196 – Continued

RESOLVED, that permission is granted to Ronald C. Delo to attend the Water Environment Federation Member Association Exchange meeting from 4/28-30/05 in Washington, D.C., at a cost of \$500.00 to be charged to Account No. G8110/50441.

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

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RESOLUTION NO. 197

**SOLID WASTE/RECYCLING
RONALD DELO/DEME
PERMISSION GRANTED**

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

RESOLVED, that permission is granted to Ronald C. Delo to attend the Federation of New York Solid Waste Association's Solid Waste/Recycling Conference & Trade Show from 5/15-18/05 in Lake George, NY, at a cost of \$750.00 to be charged to Account No. G8110/50441.

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

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RESOLUTION NO. 198

**DEME/VEHICLE-TRUCK
W/HIGH PRESSURE JET
RODDER & VACUUM MANHOLE
CLEANER/RJECT BIDS RE-
AUTHORIZE ADVERTISEMT**

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

RESOLVED, that all bids received for a Vehicle-Truck with Combination High Pressure Jet Rodder and Vacuum Manhole Cleaner are hereby rejected.

RESOLVED FURTHER, that re-advertisement of this bid with revised specifications incorporating acceptable alternative design features is hereby authorized.

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

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RESOLUTION NO. 199

**AUDITORS 2004 BUDGET
TRANSFER/AUTHORIZE**

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

RESOLVED, that the budget transfers for 2004 as requested by the auditors as follows is hereby authorized.

G8130/004	-40,920	Sewer Plant Operating Expense
G8120/004	+40,920	Collection System Operating Expense

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

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RESOLUTION NO. 200**STREET/TRAFFIC SIGN
FABRICATION SYSTEM
ADV BID/HWY**

Councilman O'Donnell 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 a street and traffic sign fabrication system* and, Be It

RESOLVED FURTHER, that bids are to be received by 10:30 a.m., Wednesday, March 23, 2005, 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 O'Donnell, Manning, Troy, Morr
Supervisor Kleiner

Noes: None

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RESOLUTION NO. 201**CHEMICALS/FERTILIZERS BLUE
HILL/BROADACRES GOLF COURSES
PARKS DEPT/AWARD BID**

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

WHEREAS the Superintendent of Parks, Recreation and Buildings duly advertised for sealed bids for *chemicals and fertilizers* for Blue Hill Golf Course, Broadacres Golf Course and the Parks Department, which were received and publicly opened on February 16, 2005, and

WHEREAS, these bids ere referred to the Department of Parks, Recreation & Building Maintenance, for recommendation and report, a copy is labeled Exhibit 3-D-05, and made a part of these minutes, Now, Therefore, Be It

RESOLVED, the bids for *chemicals and fertilizers* for Blue Hill Golf Course, Broadacres Golf Course and the Parks Department, is hereby awarded to lowest qualified bidders as follows and charged to Account No. ER7251/50449:

Fert-L Soil, Scotch Plains, NJ – Items 2, 5, 15 and 17 totaling \$13,922.02
Lesco, Inc., Cleveland, OH – Items 1, 4, 8, 9, 10, 11 and 18 totaling \$30,971.75
Verdicon, North Brunswick, NJ – Items 3, 13 and 14 totaling \$4,091.45
Harrel's Inc., Lakeland, FL – Items 7, 12 and 16 totaling \$9,831.00

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

Noes: None

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RESOLUTION NO. 202**TURF EQUIPMENT/BLUE HILL
BROADACRES GOLF COURSES
PARKS DEPT/AWARD BID**

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

WHEREAS the Superintendent of Parks, Recreation and Buildings duly advertised for sealed bids for *turf equipment* for Blue Hill Golf Course, Broadacres Golf Course and the Parks Department, which were received and publicly opened on February 16, 2005, and

WHEREAS, these bids ere referred to the Department of Parks, Recreation & Building Maintenance, for recommendation and report, a copy is labeled Exhibit 3-E-05, and made a part of these minutes, Now, Therefore, Be It

Resolution No. 202 – Continued

RESOLVED, the bids for *turf equipment* for Blue Hill Golf Course, Broadacres Golf Course and the Parks Department, is hereby awarded to lowest qualified bidders as follows and charged to Account No.E7250/50200:

Wilfred MacDonald, South Brunswick, NJ – Items 2 and 3 totaling \$41,975
Pine Bush Equipment, Pine Bush, NY – Item 1 totaling \$11,398

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

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RESOLUTION NO. 203

**MOTOR VEHICLE COLLISION
RECONSTRUCTION COURSE
POLICE/PERMISSION
GRANTED**

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

RESOLVED, that permission is granted to two police officers to attend the Motor Vehicle Collision Reconstruction Course from 3/14-25/05 at a cost of \$1,350.00 to be charged to Acct. #B3120/0441.

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

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RESOLUTION NO. 204

**DEERWOOD/WASHINGTON
MANOR SUBDIVISION
HIDDEN TRAILS INC/ALEX
GOLDBERGER/RELEASE
PERFORMANCE BOND
01-06-77.12:1:52&53**

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

RESOLVED, that upon recommendation of the Town Attorney, Director of the Department of Environmental Management and Engineering and the Superintendent of Highways, the Performance Bond and Union State Bank Letter of Credit No. 1941 for the Deerwood/Washington Manor Subdivision is hereby released on condition that, and subject to, there being deposited with the Town, the sum of \$10,000.00 in cash, or by bank or certified check made payable to the direct order of the Town of Orangetown, to guarantee the receipt by the Town of Final As-Built Surveys containing the recording information for all dedications, easements and/or declarations affecting and/or involving this Subdivision.

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

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RESOLUTION NO. 205

**ANNUAL FINANCIAL
REPORTS/FIRE DISTRICTS
RECEIVE/FILE**

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

Resolution No. 205 – Continued

RESOLVED, that *Central Nyack Fire, Tappan Fire, Orangeburg Fire and Pearl River Fire Districts' Annual Financial Reports* are received and filed, in the Town Clerk's office.

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

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RESOLUTION NO. 206

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 minutes, Audit meeting minutes, Executive Session minutes of February 14, 2005, Executive Session minutes of February 22, 2005 and Special Town Board Meeting minutes of February 28, 2005 are hereby accepted.

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

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RESOLUTION NO. 207

ADJOURNMENT/MEMORY

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

RESOLVED, that this meeting is hereby adjourned at 9:30 p.m. in memory of Bill Crable, Sparkill, Felix Quinn, Pearl River, and Harry Fotopoulos, Tappan.

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

Charlotte Madigan, Town Clerk