

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
MONDAY, FEBRUARY 23, 2009**

This Town Board Meeting was opened at 7:13 p.m. Supervisor Kleiner presided and the Town Clerk called the Roll. Present were:

Councilman Denis Troy  
Councilwoman Marie Manning  
Councilwoman Nancy Low-Hogan  
Councilman Michael Maturo

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

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

**RESOLUTION NO. 136**

**ENTER EXECUTIVE SESSION**

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

RESOLVED, that the Town Board entered Executive Session at 7:15 p.m. to discuss particular personnel.

Ayes: Councilpersons Manning, Maturo, Troy, Low-Hogan  
Supervisor Kleiner  
Noes: None

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Supervisor Kleiner announced, K. Hovnanian Homes should still be retained by Orangetown to develop the property at RPC. They have the corporate resources to do that despite the market. Along with their stock prices and present prices of many home builders, they have \$800 million in cash, they are capitalized enough to retain the properties they have and they have cut the properties that they will not develop. Their hope and expectation is the economy will have recovered sufficiently particularly in the housing market, at the time they have to go to the Planning Board. Kleiner said it is important for the Town Board and the Town to understand that we need to do everything we can to prepare for the time when K. Hovnanian Homes can move forward. The Draft of the Generic Environmental Impact Statement (DGEIS) will be distributed to the Town Board on March 6<sup>th</sup>, a presentation to the Town Board will be held on March 16<sup>th</sup>, with possibility of acceptance on March 23<sup>rd</sup> and then public hearings will be scheduled. The process has been very good with a lot of input in areas of environmental, traffic, and fiscal issues (in terms of the impact on the Town, County and the Pearl River School District). A precise analysis, using all kinds of data hopefully will be able to give a true objected number for a positive tax impact of the project.

Councilman Troy asked for an update on the project next to Lowes, Hunter Douglas and ARC in terms of getting some tax relief. Kleiner said ARC is proceeding but there is one issue with the State Historical Office regarding the Seth House and Hunter Douglas and the project next to Lowes are on hold because the market conditions.

**Summary of Public Comments**

Esta Baitler, Sparkill, asked about the need for sidewalks on Route 340 and is concerned about the speeding. She asked when will the sewer odors be eliminated. The CSX trains running all night is annoying and she wants to know when the quiet zones will be done.

Norman Schaifer, Tappan, said we are in a fiscal emergency and the Town Board should anticipate problems. The Town should have a hiring freeze, employees' hours should be cut, employees should not be getting raises, and employees should be contributing to their health care.

Eileen Larkin, Palisades, spoke about public decorum in Florida and stop signs on Iroquois Ave and Horne Tooke Rd. She recommended a 2009 Market Survey for the K. Hovnanian homes.

Michael Mandel, Pearl River, said K. Hovnanian has property in NJ, which is sitting idle, so a current market survey makes sense. The STEJ athletic center is a beautiful rendition and we should assist them in moving forward. He thinks the Muni Track computer software system for online tax payments and research is a good idea.

Jim Castagna, Sparkill, is concerned about the economy and he believes the Town should do advance planning. He requested officials to keep following up on the American Legion property for parking. Some of the plans for Sparkill Memorial Park could be accomplished by volunteers and he has a conceptual design for a dog park within the Sparkill Triangle.

Andrew Wiley, Pearl River, asked why the Town is failing to act in this financial disaster, how does the Town go from \$8 million to over \$80 million in debt, why was the PAC Zone changed to a floating zone, and why is the Town bonding everything. He recommended a moratorium be put on Clarkstown and Ramapo until the sewage problems are fixed.

Seamus Gallagher, Blauvelt, spoke regarding O & R tree removal and the past devastation. However, he is concerned about the new project because of the notice he and his neighbor received. (The Town Board will look into this and contact O & R).

Gail Raffaele, Tappan, said the last thing we need is additional population. There is a very valid difference between Hovnanian and ARC and Hunter Douglas and the property on Route 303.

They pay property taxes and Hovnanian is not, which means the taxpayers are subsidizing them.

Watson Morgan, Blauvelt, said we should have clear plans and direction for Veteran's Memorial Drive and the road into the STEJ project. Other projects that are on hold should be directed to put in some environmental ground cover for protection.

Alberto Baruffi, Blauvelt, graduated from the College of Environmental Science at Syracuse, has worked for the DEC and has been involved and volunteered in the environmental industry for several years. He announced the formation of his not-for-profit group dedicated to the Sparkill Creek. He's reviewing past environmental studies and looks forward to working and updating the Town. He spoke about jobs advertised on the Town's website, a hiring freeze and the Journal News' article regarding an employee making \$272,000 annually.

#### **RESOLUTION NO. 139**

#### **CLOSE PUBLIC PORTION**

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

RESOLVED, that the public comment portion is hereby closed.

Ayes: Councilpersons Manning, Maturo, Troy, Low-Hogan  
Supervisor Kleiner

Noes: None

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#### **RESOLUTION NO. 140**

#### **AID/JOHN BELLEW 5K FUN RUN/WALK**

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

RESOLVED, that the request of John Sullivan, 185 Ridge Street, Pearl River, organizer of the John Bellow 5K Fun Run/Walk, for two portable toilets, trash receptacles, barricades and safety cones for the fun run on April 18, 2009, to be charged to Account No. A7550/50457 is hereby approved.

Ayes: Councilpersons Troy, Maturo, Manning, Low-Hogan  
Supervisor Kleiner

Noes: None

**RESOLUTION NO. 141****POLICE REGULATION/"STOP"  
SIGNS/IROQUOIS AVE/HORNE  
TOOKE ROAD**

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

RESOLVED, that upon the recommendation of the Traffic Advisory Board, install two "Stop" signs on Iroquois Avenue at the intersection of Horne Tooke Road is hereby approved.

Ayes: Councilpersons Manning, Troy, Low-Hogan, Maturo  
Supervisor Kleiner

Noes: None

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**RESOLUTION NO. 142****APPOINT/TRAFFIC ADVISORY BOAD  
PAUL WITTE, CODE ENFORCEMENT  
OFFICER**

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

RESOLVED, that Paul Witte, Code Enforcement Officer, is hereby appointed to the Traffic Advisory Board, with the term ending December 31, 2009.

Ayes: Councilpersons Maturo, Troy, Manning, Low-Hogan  
Supervisor Kleiner

Noes: None

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**RESOLUTION NO. 143****APPOINT/ORANGETOWN PARKS  
DEVELOPMENT ADVISORY  
COMMITTEE/ROBERT SCHELIN**

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

RESOLVED, that Robert Schelin is hereby appointed to the Orangetown Parks Development Advisory Committee, with the term ending December 31, 2009.

Ayes: Councilpersons Manning, Troy, Low-Hogan, Maturo  
Supervisor Kleiner

Noes: None

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**RESOLUTION NO. 144****PERMISSION GRANTED/JAMES  
DEAN/2009 GRASS ROOTS CAMPAIGN**

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

RESOLVED, that permission is hereby granted to James Dean to attend the 2009 Grass Roots Campaign, March 10-11, 2009 In Albany, NY at a cost of \$242 to be charged to Acct. No. A5101004/50441.

Ayes: Councilpersons Manning, Troy, Low-Hogan, Maturo  
Supervisor Kleiner

Noes: None

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**RESOLUTION NO. 145****PERMISSION GRANTED/POLICE  
PROPERTY/EVIDENCE ROOM  
MANAGEMENT TRAINING PROGRAM**

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

**Resolution No. 145 - Continued**

RESOLVED, that permission is hereby granted to two police officers to attend the Property/Evidence Room Management Training Program, March 3-4, 2009, in Branchport, NY at a cost of \$380 to be charged to Acct. No. B/3120/50480.

Ayes: Councilpersons Maturo, Troy, Manning, Low-Hogan  
Supervisor Kleiner  
Noes: None

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**RESOLUTION NO. 146****PARKS/DECLARE EQUIPMENT SURPLUS**

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

RESOLVED, that the following equipment in the Department Parks, Recreation and Buildings is hereby declared surplus:

<u>Model</u>	<u>Year</u>	<u>VIN/Serial #</u>	<u>Dept.</u>
Ford Taurus	1993	1FACP52U3PG237675	Parks
Chev. Caprice	1994	1G1BL52P2RR192157	Parks
Chev. Caprice	1994	1G1BL52W8RR157808	Parks
Jeep Cherokee	1993	1J4FJ28S1PL645171	Parks
Jacobsen HR Tractor	1989	1979	Parks
Toro Groundsmaster 345	1991		Parks
Smithco Super Rake	1990		Parks
Yamaha Golf Cart			Parks

Ayes: Councilpersons Maturo, Troy, Manning, Low-Hogan  
Supervisor Kleiner  
Noes: None

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**RESOLUTION NO. 147****BYRNE SUBDIVISION/ROAD WIDENING DEED/FIRE LANES COVENANT/ACCEPT/RECEIVE/FILE**

Councilwoman Low-Hogan 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 Department of Environmental Management and Engineering and the Superintendent of Highways, the Road Widening Deed and the Declaration of Fire Lanes Covenant for the Byrne Subdivision, 258 Ehrhardt Road, Pearl River, NY (69.05-4-41) are accepted, received and filed in the Rockland County's Clerk Office, and the Supervisor is hereby authorized to execute all documents necessary to effectuate the acceptance of this Deed and Declaration. In addition, acceptance of the Road Widening Deed is subject to the applicant submitting \$2,500.00 to be held in escrow by the Finance Department, subject to the applicant issuing an exception free title policy to the Town. The originals will be filed and maintained in the Town Clerk's Office, upon receipt from the Rockland County Clerk's Office, of the original documents.

Ayes: Councilpersons Low-Hogan, Manning, Troy, Maturo  
Supervisor Kleiner  
Noes: None

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**RESOLUTION NO. 148****AUTHORIZE HIGHWAY/13<sup>TH</sup> ANNUAL OPEN HOUSE/MAY 9, 2009**

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

**Resolution No. 148 - Continued**

RESOLVED, that the Highway Department is authorized to host their 13<sup>th</sup> Annual Open House on Saturday, May 9, 2009, from 10:00 a.m. to 12:00 p.m. at the Highway Department facility.

Ayes: Councilpersons Low-Hogan, Manning, Troy, Maturo  
Supervisor Kleiner  
Noes: None

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**RESOLUTION NO. 149****ACCEPT MINUTES**

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

RESOLVED, that the February 2, 2009 Audit Meeting minutes; February 5, 2009 Special Town Board Meeting minutes; February 6, 2009 Special Town Board Meeting minutes; February 7, 2009 Special Town Board Meeting minutes; February 9, 2009 Regular Town Board Meeting and Audit Meeting minutes and February 10, 2009 Special Town Board Meeting minutes are hereby accepted.

Ayes: Councilpersons Manning, Troy, Low-Hogan, Maturo  
Supervisor Kleiner  
Noes: None

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**RESOLUTION NO. 150****APPROVE/CERTIFICATE OF  
REGISTRATION FOR 2009 SEWER  
WORK**

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

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Management and Engineering and the Town Attorney, the following are approved for a Certificate of Registration for 2009 to perform sewer work:

M.P. Olsen Excavation, 57 North Airmont Rd., Suffern, NY 10901  
Calmart Enterprises, Inc., 4 Burts Rd., Congers, NY 10920  
American Minutemen Sewer Drain Service, 307 S. Main St., New City, NY 10956

Ayes: Councilpersons Manning, Troy, Low-Hogan, Maturo  
Supervisor Kleiner  
Noes: None

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**RESOLUTION NO. 151****G & G HOLDINGS SUBDIVISION  
ROAD WIDENING DEED/ACCEPT  
RECEIVE AND FILE**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office, the Department of Environmental Management and Engineering and the Superintendent of Highways, the Road Widening Deed for the G & G Holdings Subdivision, 1098 Route 9W, Upper Grandview, NY (71.09-1-2) is accepted, received and filed in the Rockland County's Clerk Office, and the Supervisor is hereby authorized to execute all documents necessary to effectuate the acceptance of this Deed. The originals will be filed and maintained in the Town Clerk's Office, upon receipt from the Rockland County Clerk's Office, of the original documents.

Ayes: Councilpersons Manning, Troy, Low-Hogan, Maturo  
Supervisor Kleiner  
Noes: None

**RESOLUTION NO. 152**

**ENTER AUDIT**

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

RESOLVED, that the Town Board entered the Audit Meeting at 8:45 p.m.

Ayes: Councilpersons Troy, Manning, Low-Hogan, Maturo  
Supervisor Kleiner  
Noes: None

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**RESOLUTION NO. 153**

**PAY VOUCHERS**

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

RESOLVED, that the Finance Office is hereby authorized to pay vouchers for General Fund, Town Outside Village, Blue Hill, Broadacres, Highway, Sewer, Trust and Agency, Special District, Special Parking and Capital Projects Funds in the amount of \$913,616.87.

Ayes: Councilpersons Troy, Manning, Low-Hogan, Maturo  
Supervisor Kleiner  
Noes: None

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**RESOLUTION NO. 154**

**PAY MANUAL CHECK**

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

RESOLVED, that the Finance Office is hereby authorized to pay one (1) manual check in the amount of \$224,884.91.

Ayes: Councilpersons Troy, Manning, Low-Hogan, Maturo  
Supervisor Kleiner  
Noes: None

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**RESOLUTION NO. 155**

**ADJOURNMENT**

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

RESOLVED, that the Town Board adjourned this meeting at 8:50 p.m.

Ayes: Councilpersons Troy, Manning, Low-Hogan, Maturo  
Supervisor Kleiner  
Noes: None

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**Charlotte Madigan, Town Clerk**