

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, MAY 25, 2010**

This Town Board Meeting was opened at 7:35 p.m. Supervisor Whalen presided and the Town Clerk called the Roll. Present were:

Councilman Denis Troy
Councilwoman Nancy Low-Hogan
Councilman Michael Maturo
Councilman Thomas Diviny

Also present: Charlotte Madigan, Town Clerk
John Edwards, Town Attorney
Teresa Kenny, First Deputy Town Attorney
AnnMarie Hahr, Executive Assistant to the Supervisor
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways
Ron Delo, Director of the Dept. of Env'tl Management & Engineering
John Giardiello, Director of OBZPAE
Aric T. Gorton, Superintendent Parks-Rec. & Building Maint.

Susan Dunleavy led the Pledge of Allegiance to the Flag.

Paige Turilli of Pearl River was honored for her achievement as a National Champion (age 14 and younger) of the Irish Dancing World Championship in Glasgow, Scotland.

The week of May 16th – May 22, 2010 was proclaimed National Public Works Week in the Town of Orangetown.

Memorial Day Observances:

Saturday, May 29th at midnight - Vietnam Veterans' Watchfire at Nike Park and the Piermont Pier.

Sunday, May 30th - Walkway of Heroes, Independence Ave. and Lester Dr.

Monday, May 31st - Tappan Fire Department at the Village Square; Village of Piermont at the Welcome Home Soldier; Village of Nyack at the Oak Hill Cemetery; Hamlet of Pearl River at Braundorf Park; and the Blauvelt Lions at Lions Park.

Summary of Public Comments (RTBM):

RoseMarie Raccioppi, Tappan, reported that the Child Safe Playing Fields Act was signed into law by Governor Paterson, which bans the use of chemical pesticides on playing fields and playgrounds. Michael Mandel, Pearl River, believes that the Resolution authorizing up to \$1,000 for Coppola Services to fix the siphon line was improper. He also said, the Town Board should pass a resolution requesting the County legislature to look at the feasibility of the County withdrawing from the MTA and contracting directly with New Jersey Transit.

Michael Kelly, Pearl River, spoke about a DWI accident on March 21st and the Police Department's reports. He questioned the salaries of the Town attorneys.

Habib Hasan, Pearl River, spoke about comprehensive plans and governments overlapping. He requested the use of Town Hall for a meeting.

Andrea Bruzzi, Pearl River, spoke regarding the Town Board and land use boards application requirements. She is against Shoprite's zone change request.

Kathie Kelly, Pearl River, thanked the Town Board for the forum and having a public hearing regarding Shoprite's zone change. She has safety concerns changing this from residential to commercial.

John Shaw, Pearl River, is against Shoprite's zone change. He believes there is plenty of parking and he has a petition with over 436 signatures against this zone change.

Helen Shaw, Pearl River, is concerned about Pearl River High School students' safety and she is against this zone change.

Eileen Larkin, Palisades, is against waiving fees for Rockland Conservatory of Music and others. She spoke about costs, economics and the cost of the sewer work.

Esta Baitler, Consumer Advocate for Cathy Lukens Home, asked for the timeframe for the sidewalk work, along Route 340.

Andrew Wiley, Pearl River, spoke about Rockland Conservatory of Music’s building fees, the budget, taxes, the Project Labor Agreement for the golf course and the 10-year agreement with Wyeth.

Jutao Chen, Pearl River, is against Shoprite’s zone change. He is concerned about safety and the existing heavy traffic.

Peggy Powers, Pearl River, believes the Shoprite site should remain residential. People can not continually buy property and expect a zone change.

Eunkyn Woo, Pearl River, said the area near Shoprite is already dangerous and he opposes the zone change.

Karen Dennis, Pearl River, opposes Shoprite’s zone change. She is concerned about fumes from trucks idling and bright lights. She believes it should stay residential.

Bill Lange, Pearl River, is against Shoprite’s zone change or a land swap. All the driveways and entrances are already hazardous.

Mrs. Woo, Pearl River, is against Shoprite’s zone change. She is concerned about safety and she urged the Town to stop this zone change.

RESOLUTION NO. 331

CLOSE PUBLIC COMMENTS

Supervisor Whalen offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED, that the public portion is hereby closed.

Ayes: Supervisor Whalen
Councilpersons Low-Hogan, Troy, Maturo, Diviny
Noes: None

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RESOLUTION NO. 332

**HIGHLAND MEWS AT SPARKILL
PETITION FOR A SPECIAL PERMIT
PROPOSED MIXED USE/SPARKILL
HAMLET OVERLAY ZONE/653 MAIN
STREET/SBL 77.08-5-49/ACCEPT
REFER/INTENT TO BE LEAD AGENCY**

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

RESOLVED, that the Town Board accepts the Petition for a Special Permit for proposed mixed use in the Sparkill Hamlet Center Overlay Zone District, relating to Tax Parcel 77.08-5-49, and directs that the said Petition and all accompanying papers and exhibits be referred to the Town Planning Board, pursuant to §10.5 of the Town Code, for its review and recommendation, and further be circulated to the Rockland County Department of Planning, pursuant to GML §239-*l* and *m*, as well as to the Rockland County Highway Department, Rockland County Drainage Agency and South Orangetown Central School District for their review and comment;

AND IT IS FURTHER RESOLVED, that the Town Board hereby declares its intention to act as Lead Agency for environmental review of the proposed action under the State Environmental Quality Review Act (“SEQRA”), and directs that this resolution be circulated to the Town Planning Board and Rockland County Department of Planning.

Ayes: Councilpersons Maturo, Troy, Low-Hogan, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 333**SEAN QUINN/PETITION FOR A SPECIAL PERMIT/PROPOSED MIXED USE SPARKILL HAMLET OVERLAY ZONE 3 UNION STREET SBL 77.08-5-48/ ACCEPT REFER/INTENT TO BE LEAD AGENCY**

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

RESOLVED, that the Town Board accepts the Petition for a Special Permit for proposed mixed use in the Sparkill Hamlet Center Overlay Zone District, relating to Tax Parcel 77.08-5-48, and directs that the said Petition and all accompanying papers and exhibits be referred to the Town Planning Board, pursuant to § 10.5 of the Town Code, for its review and recommendation, and further be circulated to the Rockland County Department of Planning, pursuant to GML § 239-*l* and *m*, as well as to the Rockland County Highway Department, Rockland County Drainage Agency and South Orangetown Central School District for their review and comment;

AND IT IS FURTHER RESOLVED, that the Town Board hereby declares its intention to act as Lead Agency for environmental review of the proposed action under the State Environmental Quality Review Act ("SEQRA"), and directs that this resolution be circulated to the Town Planning Board and Rockland County Department of Planning.

Ayes: Councilpersons Maturo, Troy, Low-Hogan, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 334**ACCEPT PERFORMANCE BOND WALSH SUBDIVISION & LABOZZ 2 BUILDERS CORP.**

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

WHEREAS, Gerald and Bonnie Walsh, as owners of certain property located at 253 Townline Road, West Nyack, New York, (Tax Lot 64.20 Block 1 Lot 3) applied for and received subdivision approval from the Town of Orangetown Planning for a three lot subdivision at that location pursuant to Planning Board decisions #06-24, 07-38, 08-35 and 09-19 and

WHEREAS, pursuant to the aforesaid subdivision approval, the Planning Board required that the applicant post a Performance Bond in the amount of \$46,380.00 to ensure the construction and completion of certain public improvements within the subdivision, and

WHEREAS, the applicant has submitted a fully executed Performance Bond dated May 3, 2010 along with a check from LaBozz-2 Builders Corp. in the amount of \$46,380.00 as collateral for such Bond, which has been approved as to form and substance by the Town Attorney's Office,

NOW THEREFORE IT IS HEREBY RESOLVED THAT, the Town hereby formally accepts, receives and files a Performance Bond from Gerald and Bonnie Walsh and LaBozz-2 Builders Corp. in favor of the Town of Orangetown with respect to the Walsh Subdivision, 253 Townline Road West Nyack, NY (Tax Lot 64.20 Block 1 Lot 3), which Performance Bond requires completion of certain public improvements no later than May 11, 2012, and

BE IT FURTHER RESOLVED THAT, the Town hereby formally accepts, receives and authorizes the Town Finance Department to deposit a check from LaBozz-2Builders Corp. in the amount of \$46,380.00 to be held in escrow as collateral for said Performance Bond, to be returned only upon satisfactory completion of said public improvements according to Town departments having jurisdiction thereof, and formal resolution of the Town Board.

Ayes: Councilpersons Low-Hogan, Diviny, Troy, Maturo
Supervisor Whalen
Noes: None

RESOLUTION NO. 335**AUTHORIZE/POLICE TO EXECUTE
CONTRACT/WHEELABRATOR
WESTCHESTER, L.P.**

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

RESOLVED, that the Orangetown Police Department is hereby authorized to execute a contract between Wheelabrator Westchester, L.P. and the Orangetown Police Department for the disposal of special waste by the Orangetown Police Department, setting the fee at \$275.00 per ton, to be charged to Account No. B3120164/5045

Ayes: Councilpersons Troy, Diviny, Low-Hogan, Maturo
Supervisor Whalen
Noes: None

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RESOLUTION NO. 336**AWARD BID/BLUE DRAGON
CONNECTIONS**

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

RESOLVED, that a cabling contract is hereby awarded to Blue Dragon Connections, Stormville, NY, the lowest qualified bidder, at a cost of \$17,300.00, to be charged to Acct. A1682002/50200.

Ayes: Councilpersons Troy, Low-Hogan, Maturo, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 337**APPROVE CHANGE ORDER/KINGS
HIGHWAY/GREENBUSH ROAD/TAPPAN
IMPROVEMENTS**

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

RESOLVED, that a change order, in the amount of \$67,897.00, for the contract with Morano Bros. Corp., for additional improvements, to be charged to Account No. H51400012/50200 is hereby approved.

Ayes: Councilpersons Maturo, Troy, Low-Hogan, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 338**HWY/RECLASSIFY POSITION
THOMAS IACOBELLIS
MAINTENANCE SUPERVISOR
AUTOMOTIVE**

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

RESOLVED, that upon the recommendation of Rockland County Personnel Office, the position of Thomas Iacobellis is hereby reclassified to Maintenance Supervisor Automotive, in the Highway Department, grade 17, step 19, annual salary \$96,436, effective May 22, 2010.

Ayes: Supervisor Whalen
Councilpersons Troy, Low-Hogan, Maturo, Diviny
Noes: None

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RESOLUTION NO. 339**ACCEPT MINUTES**

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

RESOLVED, that the April 25, 2010 Special Town Board Meeting minutes; the April 27, 2010 Regular Town Board and Audit Meeting minutes, and the May 4, 2010 Police Commission Meeting and Executive Session minutes are hereby accepted.

Ayes: Councilpersons Low-Hogan, Maturo, Troy, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 340

**DEME RESPONSE MEMO MAY 4, 2010
NYS COMPTROLLER REPORT
WASTEWATER CAPITAL
PROJECT/RECEIVE/FILE**

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

RESOLVED, that the DEME Response Memo, dated May 4, 2010, to New York State Comptroller's Audit, regarding the Wastewater Capital project is received and filed in the Town Clerk's Office.

Ayes: Councilpersons Low-Hogan, Maturo, Troy, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 341

**THE NOBLE NINTH, INC./GERMAN
MASONIC HOME/LETTER EXTENSION
AGREEMENT/ORANGETOWN
SUMMER DAY CAMP/RECEIVE/FILE**

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

RESOLVED, that the fully executed Letter of Extension Agreement with The Noble Ninth, Inc., for the Orangetown Summer Day Camp is received and filed in the Town Clerk's Office.

Ayes: Councilpersons Maturo, Low-Hogan, Troy, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 342

**PROFESSIONAL SERVICES AGREEMENT
CASHIN ASSOCIATES FEASIBILITY
STUDY/PROJECT LABOR AGREEMENT
BLUE HILL GOLF COURSE CLUB
HOUSE IMPROVEMENTS
RECEIVE/FILE**

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

RESOLVED, that the fully executed Professional Services Agreement between Cashin Associates, P.C. and the Town, relating to the feasibility study, for the use of a Project Labor Agreement, in connection with Blue Hill Golf Course Club House improvements, is received and filed in the Town Clerk's Office.

Ayes: Councilpersons Low-Hogan, Maturo, Troy, Diviny
Supervisor Whalen
Noes: None

RESOLUTION NO. 343**AWARD BID/PARKS AND
RECREATION/LIGHT DUTY DUMP
TRUCK/GABRIELLI TRUCK SALES**

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

WHEREAS, the Superintendent of the Superintendent Parks-Rec. & Building Maint. duly advertised for sealed bids for the purchase of a 3-4 Yard Light Duty Dump Truck with Snow Plow, for use in the Park Maintenance Department, which were received and publicly opened on April 14, 2010. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 05-C-10, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Gabrielli Truck Sales of Jamaica, NY, the only qualified bidder; in the amount of \$50,136.00, to be charged to Account No. A7110002/50200.

Ayes: Councilpersons Low-Hogan, Maturo, Troy, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 344**APPROVE/EMERGENCY PROCUREMENT
GREEN MOUNTAIN PIPELINE**

Councilman Diviny offered the following resolution, which was seconded by Supervisor Whalen and was unanimously adopted:

RESOLVED, that an emergency procurement, in the amount of \$23,094.80, with Green Mountain Pipeline for sewer line repairs, to be charged to Account No. G8197004/50454, is hereby approved.

Ayes: Councilperson Diviny, Supervisor Whalen
Councilpersons Troy, Low-Hogan, Maturo
Noes: None

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RESOLUTION NO. 345**APPROVE/AID/ORANGEBURG
VOLUNTEER FIRE ASSOCIATION
CARNIVAL/DOMINICAN COLLEGE**

Under new business, Councilman Troy offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED, that the request of the Orangeburg Volunteer Fire Association for 25 trash receptacles, 20 barricades and one dumpster for their Carnival at Dominican College to be held June 2, 2010 thru June 6th, 2010, to be charged to Account No. A7550004/50457 is hereby approved.

Ayes: Councilpersons Troy, Diviny, Low-Hogan, Maturo
Supervisor Whalen
Noes: None

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RESOLUTION NO. 346**APPROVE/AID/PEARL RIVER ROTARY
SOAP BOX DERBY/CHILI COOK OFF**

Under new business, Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED, that the request of the Pearl River Rotary, for use of five portable toilets, trash receptacles and removal, barricades, cones and hay bales on Central Avenue, for the Soap

Resolution No. 346 - Continued

Box Derby trials, to be held on Central Avenue, Pearl River, on May 23, 2010. The actual Derby and Chili Cook Off is on June 6th with a rain date of June 13th, to be charged to Account No. A7550/50012/50457 is hereby approved.

Ayes: Councilpersons Low-Hogan, Diviny, Troy, Maturo
Supervisor Whalen
Noes: None

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RESOLUTION NO. 347

**SCHEDULE PUBLIC HEARING/ZONE
CHANGE PETITION/G.L.F. REALTY
COMPANY INC/PEARL RIVER SHOPITE
245 E CENTRAL AVE/69.13-3-35**

Under new business, Councilman Diviny offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED, that a Public Hearing is scheduled for Tuesday, June 22, 2010 at 8:00 p.m. to consider the petition of G.L.F. Realty Company, Inc. (Shoprite) for a zone change for property located at 245 East Central Avenue, Pearl River (69.13-3-35) from an RG (General Residence) District to a CC (Retail Commerce) District.

Ayes: Councilpersons Diviny, Low-Hogan, Maturo, Troy
Supervisor Whalen
Noes: None

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RESOLUTION NO. 348**ENTERED AUDIT**

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

RESOLVED, that the Town Board entered the Audit Meeting at 9:05 p.m.

Aye: Councilpersons Low-Hogan, Maturo, Troy, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 349**PAY VOUCHERS**

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

RESOLVED, that the Finance Office is hereby authorized to pay vouchers for the General Fund, Town Outside Village, Blue Hill, Broadacres, Highway, Sewer, Capital Projects, Risk Retention, and Special Parking Funds for a total amount of \$1,417,279.97.

Ayes: Councilpersons Low-Hogan, Maturo, Troy, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 350**ENTER EXECUTIVE SESSION**

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

Resolution No. 350 - Continued

RESOLVED, that the Town Board entered Executive Session at 9:10 p.m.

Ayes: Councilpersons Low-Hogan, Maturo, Troy, Diviny
Supervisor Whalen

Noes: None

Resolution Nos. 351 and 352 see Executive Session.

RESOLUTION NO. 353

ADJOURNMENT/MEMORY

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

RESOLVED, that the Town Board adjourned, in memory of Len Post, Orangetown Commercial Building Inspector; Larisa McCloskey, Orangeburg; Marilyn Dugandzic, Pearl River; and Patricia Sheridan, former Clarkstown Town Clerk, at 10:28 p.m.

Ayes: Councilpersons Troy, Maturo, Low-Hogan, Diviny
Supervisor Whalen

Noes: None

Charlotte Madigan, Town Clerk