

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, MAY 27, 2008**

This Town Board Meeting was opened at 7:37 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 (arrived 7:55 p.m.)

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

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

James Dean, Superintendent of Highways, received an award for his 51 years with the Town. He thanked everyone and said it is a reflection of the Sewer and Highway workers.

Ron Delo, Director of the Dept. Environmental Management and Engineering, presented the fifth and final year of the Stormwater Management Program Annual Report. He thanked all of the Town departments for complying with this program. The Town is now responsible for inspections and enforcement on all land disturbances. Through this program the Town can access fines and penalties, and take corrective action by educating resident to protect and improve water quality and quantity.

Supervisor Kleiner said Orange & Rockland has adopted a modified policy regarding the tree cutting along the transmission lines. The new policy is certainly better and the Town will continue to monitor the project. Orange & Rockland is dealing with people on a case-by-case basis for any replanting.

Councilwoman Low-Hogan suggested forming a sub-adhoc group, consisting of John Giardiello, the chair people of the two boards and herself to make recommendations regarding notification requirements for Land Use Boards and Zone Changes.

On Friday, June 13th an informational meeting will take place, with the landscape architect, regarding the May 19th draft for the Sparkill Rezoning Overview and soon thereafter a public hearing will be held.

Public Comment

Bill Clark, Pearl River, is concerned with the clearing of trees on Hillside and asked what effect this will have on the environment.

Robert Smith, Pearl River, concerned that no environmental (visual & flooding) impact study has been done regarding the Hillside project.

Carmel Reilly, Pearl River, thanked the Town Board for filing their petition, asked for an update and asked to be advised of the court date. She also suggested some residents be part of the sub-adhoc group, which was suggested by Councilwoman Low-Hogan.

Tracey Hancock, Pearl River, said keeping Hillside as it exists, could prevent flooding. She also said there's a need for better vision to preserve the Town by the Town Board.

Patricia & Michael Palko, Pearl River, agree with neighbors' concerns regarding the Hillside plans for development.

Andrew Wiley, Pearl River, spoke about proper circulation for public hearings, STEJ's contract being in violation and values of homes. Also, he is against the renaming of Garage Road.

Lisa Sheridan, Pearl River, said RUSH has grown to over 200 members and feels new commercial development is not right for the Hillside area. Currently there are too many commercial empty buildings.

Kevin Christie, Pearl River, asked about fines and is concerned that clear-cutting of trees will take place on a weekend when it would be difficult to report to the Town.

Marisa Mahoney, Pearl River, moved here because of the beauty and is concerned that the Hillside plans may cause flooding and the empty commercial buildings.

Sherwin Harrison, Pearl River, is against the Hillside project because he feels this type of commercial buildings will reduce the value of homes.

Cathy Cardinale, Pearl River, said the Open Space Committee considered this parcel and asked why wasn't it preserved?

Joann DeLorenzo, Pearl River, said home sales in the Hillside area are being withdrawn, once the buyer hears about the proposed development. She suggested a better place for this development would be the location of the abandoned car wash.

RESOLUTION NO. 358**CLOSE PUBLIC PORTION**

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

RESOLVED, that the public portion of this meeting is hereby closed.

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

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RESOLUTION NO. 359**COMBINE AGENDA ITEMS**

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

RESOLVED, that items one (1) through twenty-six (26), except item 16, are hereby combined.

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

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RESOLUTION NO. 360**AMEND RESOLUTION NO. 575/2006
ROCKLAND COUNTY SEWER DIST 1
WALSH SUBDIVISION (64.20-1-3)**

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

RESOLVED, that Resolution No. 575/2006 (7/24/06) is hereby amended to authorize the sanitary sewer connection for two new lots at the Walsh Subdivision, 253 East Townline Road (S/B/L 64.20-1-3), West Nyack, to Rockland County Sewer District No. 1.

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

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RESOLUTION NO. 361**APPOINT/REAL PROPERTY DATA
COLLECTOR II/ASSESSOR'S OFFICE
KATRINA MORRISON**

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

Resolution No. 361 - Continued

RESOLVED, that employee, Katrina Morrison, is hereby appointed to the position of Real Property Data Collector II, in the Assessor's office, provisional, grade 7- 1, annual salary \$38,595, effective May 27, 2008.

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

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RESOLUTION NO. 362**DEME/ESTABLISH/ASSISTANCE
MAINTENANCE MECHANIC**

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

RESOLVED, that the position of Assistance Maintenance Mechanic in the Department of Environmental Management & Engineering, grade 11, effective May 27, 2008, is hereby established.

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

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RESOLUTION NO. 363**DEME/APPOINT/SEWER INSPECTOR II
DOUGLAS PITTS/PERMANENT**

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

RESOLVED, that provisional employee, Douglas Pitts, is hereby appointed permanent in the title of Sewer Inspector II, from Eligible List # 08127, effective May 27, 2008.

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

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RESOLUTION NO. 364**JUSTICE/APPOINT/SENIOR CLERK
TYPIST/NADIA SHAPIRO**

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

RESOLVED, that Nadia Shapiro is hereby appointed to the position of Senior Clerk/Typist in the Justice Department, permanent with a mandatory probationary period of six months, from Eligible List #05083, grade 5-1, annual salary \$35,129, effective June 2, 2008.

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

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RESOLUTION NO. 365**DEME/PERMISSION GRANTED/NYS
SOCIETY/PROFESSIONAL ENGINEERS**

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

RESOLVED, that permission is hereby granted to Ronald C. Delo, Director of the Dept. Environmental Management & Engineering, to attend the New York State Society of Professional

Resolution No. 365 - Continued

Engineers (NYSSPE) Annual Meeting, June 5-7, 2008, Syracuse, NY at a cost of \$250.00 to be charged to Account No. A1440004/50441.

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

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RESOLUTION NO. 366**DEME/STORMWATER MAINTENANCE
AGREEMENT/CHINESE EVANGELICAL
CHURCH/RECEIVE AND FILE**

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

RESOLVED, that upon the recommendation of DEME and the Town Attorney's Office, the Stormwater Maintenance Agreement for the Chinese Evangelical Church Site Plan (PB #07-50) for property located at 456 N. Middletown Road, Pearl River (Tax Lot 69.05, Block 1, Lots 1 and 2) is accepted, received and filed and that upon filing with the Rockland County Clerk's office, the original be filed and maintained in the Town Clerk's Office.

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

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RESOLUTION NO. 367**BUL KWANG MEDITATION CENTER
(77.07-1-2) CONSERVATION EASEMENT
RECEIVE AND FILE**

Councilwoman Manning offered the following resolution, which was seconded by Councilwoman Low-Hogan 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, in accordance with PB#07-29, accept, receive and file in the Town Clerk's Office, the Conservation Easement for Bul Kwang Meditation Center (Tax Lot 77.07-1-2) Route 303, Tappan is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 368**ACCEPT MINUTES**

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

RESOLVED, that the April 23, 2008, April 30, 2008 and May 10, 2008 Special Town Board Meeting minutes; May 5, 2008 Executive Session minutes; and May 12, 2008 Regular Town Board Meeting and Audit Meeting minutes are hereby accepted.

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

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RESOLUTION NO. 369**POLICE/ACCEPT RETIREMENT
SGT STEVEN FISHER**

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

Resolution No. 369 - Continued

RESOLVED, that Sgt. Steven Fisher's retirement from the Orangetown Police Department, effective May 10, 2008, is accepted with regret.

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

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RESOLUTION NO. 370**POLICE/ACCEPT RETIREMENT
DET JOSEPH ARTRIP**

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

RESOLVED, that Det. Joseph Artrip's retirement from the Orangetown Police Department, effective June 8, 2008, is accepted with regret.

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

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RESOLUTION NO. 371**POLICE/ACCEPT RETIREMENT
PO KEVIN DARCY**

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

RESOLVED, that PO Kevin Darcy's retirement from the Orangetown Police Department, effective June 30, 2008, is accepted with regret.

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

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RESOLUTION NO. 372**ASSESSOR/ACCEPT RETIREMENT
RUTH ELLEN CARLSEN**

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

RESOLVED, that Ruth Ellen Carlsen's retirement from the Town of Orangetown, effective March 31, 2008, is accepted with regret.

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

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RESOLUTION NO. 373**STORMWATER MANAGEMENT
PROGRAM ANNUAL REPORT
RECEIVE AND FILE**

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

RESOLVED, that the Stormwater Management Program Annual Report is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 374**RPC/BASEBALL FIELDS/CHANGE
ORDER NO. 8/RECEIVE AND FILE**

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

RESOLVED, that the fully executed copy of Change Order No. 8 between the Town and W. Harris & Son, Inc., Contract 1G, regarding the baseball fields at RPC is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 375**AUTORIZER/RENAMING GARAGE RD
JIM DEAN DRIVE**

Councilwoman Manning offered the following resolution, which was seconded by Councilwoman Low-Hogan and on a roll call adopted:

RESOLVED, that upon the recommendation of the Orangetown Highway Department, the renaming Garage Road, listed on the New York State Department of Transportation road inventory as .32 miles, beginning at New York State Route 303 to dead end (DEME), shall be renamed Jim Dean Drive is hereby authorized.

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

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RESOLUTION NO. 376**EASEMENT AGREEMENT/BUCCANEER
BOAT CLUB, INC./RECEIVE AND FILE**

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

RESOLVED, that the Easement Agreement between Buccaneer Boat Club, Inc. and the Town of Orangetown for property located at 1 Ackerman Place, Nyack, NY (66.23-1-3) is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 377**EASEMENT AGREEMENT/PALISADES
INTERSTATE PARK/RECEIVE AND FILE**

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

RESOLVED, that the Easement Agreement between the Palisades Interstate Park Commission and the Town of Orangetown for property located on Route 303, Orangeburg, NY (74.10-1-72) is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 378**EASEMENT AGREEMENT/CARCA CORPORATION/RECEIVE AND FILE**

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

RESOLVED, that the Easement Agreement between the Carca Corporation and the Town of Orangetown for property located at 606 Route 303, Blauvelt, NY (70.10-3-1) is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 379**EASEMENT AGREEMENT/TERRENCE T. & CAROLYN A. LOUGHRAN/RECEIVE AND FILE**

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

RESOLVED, that the Easement Agreement between Terrence T. and Carolyn A. Loughran and the Town of Orangetown for property located at 36 Cherry Lane, Pearl River, NY (72.08-2-19) is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 380**EASEMENT AGREEMENT/MCNAMEARA FIREPLACE & STOVE SHOWROOM LLC RECEIVE AND FILE**

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

RESOLVED, that the Easement Agreement between McNamara Fireplace and Stove Showroom, LLC and the Town of Orangetown for property located at 83 E. Central Ave., Pearl River, NY (69.16-6-48) is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 381**EASEMENT AGREEMENT/PEARL RIVER AUTO INC/RECEIVE AND FILE**

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

RESOLVED, that the Easement Agreement between Pearl River Auto Inc., and the Town of Orangetown for property located at 77 E. Central Ave., Pearl River, NY (68.16-6-13.1 & 13.2) is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 382**EASEMENT AGREEMENT/J & J ROUTE
303 REALTY INC/RECEIVE AND FILE**

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

RESOLVED, that the Easement Agreement between J and J Route 303 Realty, Inc., and the Town of Orangetown for property located at 608 Route 303, Orangeburg, NY (70.06-1-9 & 10) is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 383**EASEMENT AGREEMENT/PONTIAC
HOLDING LLC/RECEIVE AND FILE**

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

RESOLVED, that the Easement Agreement between Pontiac Holding LLC and the Town of Orangetown for property located at 900 Bradley Hill Rd., NY (65.18-1-3) is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 384**EASEMENT AGREEMENT/PONTIAC
HOLDING LLC/RECEIVE AND FILE**

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

RESOLVED, that the Easement Agreement between Pontiac Holding LLC and the Town of Orangetown for property located at 600 Bradley Hill Rd., NY (65.18-1-21) is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 385**EASEMENT AGREEMENT/LINCOLN
MERCURY HOLDING CO LLC/RECEIVE
AND FILE**

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

RESOLVED, that the Easement Agreement between Lincoln Mercury Holding Co., LLC and the Town of Orangetown for property located at 1 Flower Lane, Blauvelt, NY (65.18-1-4) is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 386**AUTHORIZE HIRING ATTORNEY FOR
ZBA/KEVIN CONWAY/HILLSIDE
COMMERCIAL PARK**

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

RESOLVED, that the Zoning Board of Appeals is hereby authorized to hire Kevin Conway, Esq. for the purpose of defending the matter of the Town of Orangetown vs. Zoning Board of Appeals and Route 304, LLC with the contract subject to approval by the Town Attorney's Office.

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

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RESOLUTION NO. 387**ENTER AUDIT**

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

RESOLVED, that the Town Board entered the Audit Meeting.

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

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Resolution Nos. – 388 – 391 see Audit Meeting and Executive Session.

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RESOLUTION NO. 392**NOMINATE POLICE OFFICER
CHRISTINE A. HURLEY**

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

RESOLVED, that upon the recommendation of the Chief of Police, Christine A. Hurley is hereby nominated a Police Officer from the Rockland County Civil Service List #04200, Police Officer, pending certification from the Rockland County Department of Personnel and satisfactory completion of a background investigation.

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

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RESOLUTION NO. 393**NOMINATE POLICE OFFICER
MATTHEW M. SULLIVAN**

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

RESOLVED, that upon the recommendation of the Chief of Police, Matthew M. Sullivan is hereby nominated a Police Officer from the Rockland County Civil Service List #04200, Police Officer, pending certification from the Rockland County Department of Personnel and satisfactory completion of a background investigation.

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

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RESOLUTION NO. 394

**NOMINATE POLICE OFFICER
SCOTT T. MICHEL**

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

RESOLVED, that upon the recommendation of the Chief of Police, Scott T. Michel is hereby nominated a Police Officer from the Rockland County Civil Service List #04200, Police Officer, pending certification from the Rockland County Department of Personnel and satisfactory completion of a background investigation.

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

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RESOLUTION NO. 395

ADJOURNMENT/MEMORY

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

RESOLVED, that the Town Board adjourned this meeting in memory of Margaret D. Kopunek, Blauvelt at 8:50 p.m.

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

Charlotte Madigan, Town Clerk