

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
MONDAY, JUNE 9, 2008**

This Town Board Meeting was opened at 7:40 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  
John S. Edwards, Town Attorney  
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. Environmental Mgt. & Eng.  
Kevin Nulty, Chief of Police  
Rich Rose, Superintendent of Parks, Recreation and Buildings  
John Giardiello, P.E., Director, OBZPAE

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

Supervisor Kleiner said the money from Eliot Engel that the Town planned on using for the Tappan Downtown Infrastructure can-not be used for re-vitalization. He suggested allowing the Highway Department and other Town Departments to do some of the work, such as drainage, sidewalk repairs, curbing and saving the "tree", without additional bonding.

**Public Comment**

Eileen Larkin, Palisades, said environmental forms should have additional information regarding O & R sub-stations and she questioned attorney fees for Hillside and asked why the delay for the Cablevision contract.

Michael Mandel, Pearl River, asked if the Land Use Board advocates are for the benefit of the general public and are all their certifications required for their positions up to date.

Tracey Hancock, Pearl River, spoke regarding the Hillside Commercial Park ZBA variance and she is concerned that the ZBA decision did not include neighbors' public comments.

Donald Hoover, Tappan, talked about the Tappan triangle and restoring the sanctuary. He hopes the Town work will start early so that it doesn't delay the church's plans for the sanctuary.

Ed Cardinale, Pearl River, believes the Hillside site is marshy because of the stream going through it. He does not believe this flood area should be commercially developed.

Andrew Wiley, Pearl River, spoke about the Town debt, number of homes for sale, poor capping of sewers, the need for bids for professional services and the cost of the CANDLE agreement.

Joe Gallagan, a 47 yr. Pearl River resident, said the Hillside site is a known flood area and it should not be developed. Residents count on elected officials to watch over these developers.

Mary Clark, a 45 yr. Pearl River resident, said she hasn't had any flooding since the new sewers were installed. She requested the Hillside site to be kept clean and believes development of this area could cause flooding to return to her home.

Genevieve Coffey, Pearl River, requested the Town Board to fulfill their promise in making their positions part-time.

Joann DeLorenzo, Pearl River, said the lists to alert adjacent property owners should be fair to citizens and attorneys.

Alice Buchanan, Palisades, does not believe an O & R substation should be in a residential neighborhood. This would further reduce property values.

**RESOLUTION NO. 398**

**CLOSE PUBLIC PORTION**

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

**Resolution No. 398 - Continued**

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

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

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**RESOLUTION NO. 399**

**SET PUBLIC HEARING/JULY 21, 2008  
ZONE CHANGE/RTE 303 AND  
SPRUCE ST BLAUVELT 70.19-1-2**

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

RESOLVED, that a public hearing is scheduled for July 21, 2008, 8:00 p.m. to consider a zone change from LIO to R-15 for property located on Route 303 and Spruce Street, Blauvelt, NY (70.19-1-2) and the petition is to be circulated to appropriate agencies.

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

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**RESOLUTION NO. 400**

**AID APPROVED/GOOD SAMARITAN  
HOSPITAL ACTIVE INTERNATIONAL  
CARDIOVASCULAR INSTITUTE  
WALK FOR LIFE**

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

RESOLVED, that the request for the use of the Showmobile on Sunday, October 5, 2008 for the Walk for Life on the campus of Blue Hill to benefit Good Samaritan Hospital's Active International Cardiovascular Institute is hereby approved.

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

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**RESOLUTION NO. 401**

**AID/AFRICAN-AMERICAN  
MULTICULTURAL PARADE**

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

RESOLVED, that the request by the African-American Multicultural parade committee for the use of the Showmobile on June 7, 2008 for the first Annual African-American Parade is hereby approved.

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

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**RESOLUTION NO. 402**

**APPROVE CONTRACT/CANDLE**

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

**Resolution No. 402 - Continued**

RESOLVED, that the renewal of a contract with CANDLE, in the amount of \$30,000.00, for the provision of substance abuse prevention services to students and their families to be charged to Account No. A4211004/50457 is hereby approved and the signed original contract is received and filed in the Town Clerk's Office.

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

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**RESOLUTION NO. 403****SET PUBLIC HEARING/JULY 21, 2008  
SPARKILL HAMLET CENTER  
OVERLAY ZONING DISTRICT**

Supervisor Kleiner offered the following resolution, which was seconded by Councilman Maturo and on a roll call was adopted:

RESOLVED, that a public hearing is scheduled for July 21, 2008, 8:05 p.m. to consider the proposed new local law to be added to the Town Code entitled "Sparkill Hamlet Center Overlay Zoning District" and the proposed local law is to be circulated to appropriate agencies.

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

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**RESOLUTION NO. 404****SET PUBLIC HEARING/JUNE 23, 2008  
RELOCATION OF CASABELO  
HOLDING/CLARKSTOWN  
DEVELOPMENT ZONE**

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

RESOLVED, that a public hearing is scheduled for June 23, 2008, 8:15 p.m. to solicit comment regarding the relocation of Casabello Holdings LLC located at 400 Corporate Road, Blauvelt to the Clarkstown Development Zone.

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

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**RESOLUTION NO. 405****SET PUBLIC HEARING/JUNE 23, 2008  
AESTHETONICS/REMAINS LIGHTING  
BROOKLYN NAVY YARD/NORTH  
BROOKLYN EMPIRE ZONE**

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

RESOLVED, that a public hearing is scheduled for June 23, 2008, 8:20 p.m. to solicit comment regarding the relocation of Remains Lighting ("Aesthetonics") located at Oak Tree Road, Tappan, to the Brooklyn Navy Yard/North Brooklyn Empire Zone.

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

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**RESOLUTION NO. 406****APPROVE/AMERICORPS PROGRAM**

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

**Resolution No. 406 - Continued**

RESOLVED, that the Town is hereby authorized to participate in Rockland County's AmeriCorps program by becoming a host site, supervising one member and contributing \$1200 towards one member's stipend.

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

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**RESOLUTION NO. 407****APPROVE/CERTIFICATE OF  
REGISTRATION FOR 2008 SEWER  
WORK/FAIRWAY GOLF & LANDSCAPE**

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 and the Director of the Department of Environmental Management and Engineering, a Certificate of Registration for 2008 sewer work to Fairway Golf and Landscape Maintenance Corporation, 119 Rockland Center, Nanuet, NY is hereby approved.

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

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**RESOLUTION NO. 408****AWARD BID/TRAFFIC &  
PEDESTRIAN SIGNAL CONTROLS  
VERDE ELECTRIC MAINTENANCE**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for the maintenance and minor emergency repair of Town traffic and pedestrian signal controls and devices, which were received and publicly opened on May 21, 2008. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 6-A-08, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Verde Electric Maintenance Corp., Mount Vernon, NY, the sole bidder, at a cost of \$42,000 per year for three years for a total cost of \$126,000, to be charged to Account No. A331000/50443

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

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**RESOLUTION NO. 409****PERMISSION GRANTED/HIGHWAY  
APWA CONGRESS**

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

RESOLVED, that permission is hereby granted to James Dean, Superintendent of Highways, to attend the APWA Congress, August 17-20, 2008 in New Orleans, LA, at a cost of \$1,566.30 to be charged to Account No. A5010001/50443.

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

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**RESOLUTION NO. 410****PERMISSION GRANTED/PARKS  
2008 NATIONAL RECREATION AND  
PARKS ASSOCIATION CONFERENCE**

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

RESOLVED, that permission is hereby granted to Richard Rose, Superintendent of Parks, Recreation and Buildings, to attend the 2008 National Recreation and Parks Association Conference, from October 14-18, 2008 in Baltimore, MD at a cost of \$666 to be charged to Acct. # 7020/0441/0480, and allow the use of a town vehicle.

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

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**RESOLUTION NO. 411****APPOINT POLICE OFFICER  
CHRISTOPHER CONNOLLY**

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, Christopher Connolly is hereby appointed from Rockland County Civil Service List No. (OC) 04200 "Police Officer" to the position of "Police Officer/Permanent", effective June 14, 2008, at a salary consistent with the terms of the PBA labor agreement.

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

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**RESOLUTION NO. 412****APPROVE/RETAINING COUNSEL  
ZONING BOARD OF APPEALS ROUTE  
304 LLC/HILLSIDE COMM PK**

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

WHEREAS, two Article 78 proceedings have been filed in the Rockland County Supreme Court under Index Nos. 08-4685 and 08-4743, naming the Town Zoning Board of Appeals ("ZBA") as a Respondent and challenging the legality of the actions of the ZBA, relating to its review of the appeal / application of Route 304 LLC filed in connection with the proposed development of a parcel or parcels of property located in the LI zoning district, on the east side of Route 304, at the intersection of Hillside Avenue, in the Hamlet of Pearl River, said property bearing Tax Map designation Sect. 68.16, Bl. 1, Lot 1 and Sect. 68.11, Bl. 3, Lots 39 & 40; and,

WHEREAS, by reason of a conflict of interest, the Town Attorney of the Town of Orangetown is prohibited from representing the ZBA in either of the two proceedings, requiring the ZBA to secure other counsel to represent its interests therein; and

WHEREAS, the Town Board understands and acknowledges that the cost of the legal services to be rendered by outside counsel to the ZBA is a cost that should properly be paid by the Town,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Town Zoning Board of Appeals ("ZBA") to retain the law firm of Dorfman, Knoebel, Conway, Fury & Griffin, LLP to defend the interests of the ZBA in the two legal proceedings referenced herein in accordance with the terms of a retainer agreement dated May 23, 2008, said law firm having been selected by the ZBA, whose fee, as modified to eliminate the retainer agreement and

**Resolution No. 412 - Continued**

conflict of interest provision, with a \$250.00 an hour rate, for a total not to exceed \$10,000 without a further Town Board resolution, shall be paid by the Town upon receipt, review and approval of bills submitted.

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

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**RESOLUTION NO. 413**

**APPROVE/RETAINING COUNSEL  
 PLANNING BOARD/ROUTE 304 LLC  
 HILLSIDE COMM PARK**

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

WHEREAS, an Article 78 proceeding has been filed in the Rockland County Supreme Court under Index No. 08-4685, naming the Town Planning Board ("Planning Board") and Town Zoning Board of Appeals ("ZBA") as Respondents therein, challenging the actions of the Planning Board and ZBA, relating to their respective reviews of a certain appeal / application of Route 304 LLC filed in connection with the proposed development of a parcel or parcels of property located in the LI zoning district, on the east side of Route 304, at the intersection of Hillside Avenue, in the Hamlet of Pearl River, said property bearing Tax Map designation Sect. 68.16, Bl. 1, Lot 1 and Sect. 68.11, Bl. 3, Lots 39 & 40; and

WHEREAS, by reason of a conflict of interest, the Town Attorney of the Town of Orangetown is prohibited from representing the Planning Board in the said proceeding, requiring the Planning Board to secure other counsel to represent its interests in said proceeding; and

WHEREAS, the Town Board understands and acknowledges that the cost of the legal services to be rendered by outside counsel to the Planning Board is a cost that should properly be paid by the Town,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Town Planning Board to retain Walter R. Sevastian, Attorney at Law, to defend the interests of the Planning Board in legal proceeding referenced herein in accordance with the terms of a retainer agreement dated May 30, 2008, said attorney having been selected by the Planning Board, whose fees, as modified to eliminate the retainer agreement and conflict of interest provision, with a \$175.00 an hour rate for a total not to exceed \$10,000 without a further Town Board resolution, shall be paid by the Town upon receipt, review and approval of bills submitted.

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

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**RESOLUTION NO. 414**

**ACCEPT MINUTES**

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

RESOLVED, that the Regular Town Board Meeting, Audit Meeting and Executive Session minutes of May 27, 2008 and the Executive Session minutes of June 2, 2008 are hereby accepted.

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

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**RESOLUTION NO. 415**

**APPROVE/AVAYA 5-YR TELEPHONE LEASE AGREEMENT/DEME**

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

RESOLVED, that the proposed five-year lease for the Avaya telephone system for DEME for a total of \$26,449.00, in annual payments of \$5,289.82 to be charged to Account No. G8110004/50457 is hereby approved.

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

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**RESOLUTION NO. 416**

**RPC/WOODS RESTORATION SERVICES/SECURITY/EMERGENCY PROCUREMENT**

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

RESOLVED, that the proposal from Woods Restoration Services LLC. in the amount of \$10,540 for emergency procurement for installing security panels on the doors and first floor windows of three vacant Town-owned buildings at Rockland Psychiatric Center to be charged to Account No. A8989654/50457 is hereby approved.

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

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**RESOLUTION NO. 417**

**ENTER AUDIT**

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

RESOLVED, that the Town Board entered the Audit Meeting at 9:12 p.m.

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

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**Resolution Nos. 418 - 421 see Audit Meeting and Executive Session.**

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**RESOLUTION NO. 422**

**AUTHORIZE SETTLEMENT POLICE/NICOLE COLANDREA**

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

RESOLVED, that the settlement in the matter of Nicole Colandrea v. Town of Orangetown, Kevin Nulty and Robert Zimmerman, up to an amount not to exceed \$5,500.00 with a general release and no admission of liability of any party is hereby approved.

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

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**RESOLUTION NO. 423**

**ADJOURNMENT/MEMORY**

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

RESOLVED, that the Town Board adjourned this meeting at 10:05 p.m. in memory of Jim Murphy, Pearl River, John “Red” McGrath, Pearl River, Michael J. Lorusso, Blauvelt.

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

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**Charlotte Madigan, Town Clerk**