

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, JULY 21, 2008**

This Town Board Meeting was opened at 7:35 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
John S. Edwards, Town Attorney
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 Zimmerman, Police Captain
Robert Simon, Receiver of Taxes
Brian Kenney, Assessor
Paul Witte, Code Enforcement Officer III
Rich Rose, Superintendent of Parks, Recreation and Buildings

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

Supervisor Kleiner made the following announcements:

The month of July is National Recreation and Parks month.

On July 23, 6:00 p.m. at the Rockland County Legislature and on September 8th, 6:00 p.m. at Orangetown Town Hall meetings are scheduled regarding the O& R Substation, Tappan.

The 2007 Comprehensive Annual Financial Report is on the Town's website (Finance Section).

RESOLUTION NO. 491

**POLICE/REASSIGN DUTIES
DETECTIVE FOR SPECIAL &
ADMINISTRATIVE INVESTIGATIONS
FRANK BUHLER**

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

RESOLVED, that upon the recommendation of the Chief of Police, Frank Buhler is hereby reassigned to the duties of Detective for Special and Administrative Investigations, effective July 22, 2008, at an annual salary consistent with the terms of the Labor Agreement between the Town of Orangetown and Orangetown Patrolman's Benevolent Association.

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

Noes: None

Charlotte Madigan, Town Clerk, administered the Oath of Office to Detective Buhler.

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Public Comment

Michael Mandel, Pearl River, asked the Town to check a sinkhole problem in Palisades. He is against the Justice Department hiring a security officer. The Police Department would be best to handle any situations that would arise in the courtroom.

Eileen Larkin, Palisades, spoke about the lack of an agreement with Cablevision. She is concerned with the loss of revenue regarding the Empire Zone and she said the Police officers, who have retired, have done an outstanding job.

Esta Baitler, Sparkill, requested a Route 340 update and she spoke about odor control.

Jay Pat, Sparkill, spoke about traffic on Route 340 and he requested the odor in the area be addressed.

Carol Silverstein, Orangeburg, said the Blue Hill Golf Course is losing money but it should be self-sustaining. The loss needs to be addressed and this loss should not be done with a tax increase. She asked if the computer sign-up system for the golf courses is up and running.

Tracey Hancock, Pearl River, asked is the process regarding notification to residents in effect for the Hillside project?

Kevin Garvey, Blauvelt resident and member of the Planning Board, asked the Town Board about an article regarding members of the Planning Board.

Andrew Wiley, Pearl River, spoke about the SEQRA results pertaining to the land swap between the Town and the County and he also spoke about the Shift resolutions.

Barbara Wronski, Blauvelt, is concerned about the increase of traffic on Swanekin Rd from RPC and requested Swanekin Rd be part of the environmental impact study.

Jerry Sheer, Palisades, is afraid the soccer fields will not be completed in time for opening day and offered any help to complete the fields. He asked that the corner of Closter Rd and Fern Rd be checked out for violation of code.

Joe Gallagan, Pearl River, said he along with RUSH are ready, dedicated and committed to preventing the Hillside project from moving forward.

RESOLUTION NO. 492

CLOSE PUBLIC PORTION

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

RESOLVED, that the public portion is hereby closed.

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

Noes: None

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RESOLUTION NO. 493

**OPEN PH ZONE CHANGE/ROUTE 303
AND SPRUCE/BLAUVELT/70.19-1-2
LIO TO R-15**

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

RESOLVED, that the 8:00 p.m. public hearing to consider a proposed local law amending Chapter 43, Article II of the Town Code entitled Zoning Districts, and the Town Zoning Map, to change the zoning district classification for property located at Route 303 and Spruce Street, Blauvelt, NY, bearing Tax Map Designation S/B/L 70.19-1-2 on the Tax Map of the Town of Orangetown from LIO (Light Industrial-Office) to R-15 (Medium-Density Residence District) is hereby opened.

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

Noes: None

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and Notice of Posting; copies are labeled Exhibit 7-A-08 and made a part of these minutes.

Included in these minutes are comment letters and/or memorandums (Exhibit 7-A-08) from the following: County of Rockland Department of Planning, County of Rockland Drainage Agency, Orangetown Planning Board, Orangetown Traffic Advisory Board, Orangetown Office of Building, Zoning, Planning, Administration and Enforcement

David Resnick, lawyer for Marie Somos, petitioner, presented a letter from Marie Somos, Prudential Rand Realty and the letter sent to abutting property owners. He explained this project will generate new tax ratables, and it will not have an adverse impact on the physical or environmental characteristic of the neighborhood.

Public portion:

Marie Somos, petitioner, read a letter explaining the size of her property has become a financial hardship, especially since it is zoned part residential and part LIO. She has had numerous people interested in purchasing but they change their minds after they go to the Building Dept, who has conflicting information regarding building in this shared zoning atmosphere. She said the zone change will be positive for the Town and keep a residential neighborhood.

Keith Tierney, Blauvelt, said building on this property could cause flooding on abutting three other parcels. FEMA has registered these wetlands. He asked what the plans are to prevent anymore flooding?

Larry Vail, Tappan, said he understands split zone problems. However, the Town Board should consider not having driveways on Route 303, should be sensitive to all issues and adhere to drainage issues.

Andrew Wiley, Pearl River, said water directed downward has affected his property as well as neighboring properties. The Town Board should consider all problems including those of Mrs. Somos.

RESOLUTION NO. 494**TOWN BOARD DECISION/ZONE
CHANGE/ROUTE 303 & SPRUCE ST
70.19-1-2/RESERVE**

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

RESOLVED, that the Town Board reserves their decision until August 11, 2008 at 8:00 p.m.

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

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RESOLUTION NO. 495**OPEN PH/SPARKILL HAMLET
CENTER OVERLAY ZONING**

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

RESOLVED, that the 8:05 p.m. public hearing to consider a proposed local law amending Chapter 43, entitled "Zoning" of the Code of the Town of Orangetown, so as to add a new Article XIV to Chapter 43 (Zoning), establishing and implementing the Sparkill Hamlet Center Overlay Zoning district (the "Overlay Zoning District"), adding same to the Town Zoning Map, and prescribing rules, regulations and procedures affecting the new Overlay Zoning District. The new Overlay Zoning District Local Law shall allow attached townhouses and dwelling units above nonresidential (i.e., commercial or business) units, subject to and contingent upon certain prescribed conditions, requirements and circumstances and with certain restrictions is hereby opened.

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

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and Notice of Posting; copies are labeled Exhibit 7-B-08 and made a part of these minutes.

Dennis Michaels, Deputy Town Attorney, explained the rules, regulations and procedures of this proposed local law, as well as, attached townhouses and dwelling units above nonresidential units.

Public portion:

Ann Borsanti, Piermont, is in favor of this overlay and believes this has the vision that would comply for excellence as a standard for Sparkill.

Donald Brenner, Orangeburg, clarified questions regarding floor ratio and square footage in this proposal.

Jim Castagna, Sparkill, supports this collaboration proposed local law.

Eileen Larkin, Palisades, asked whether all the people, who might be affected by this overlay, been notified?

Michael Gross, Sparkill, owns two of the properties on the square. He agrees this is a good beginning for the business district.

David Siegel, Sparkill, asked if the business district could possibly shrink, for example, could a business closing become residential.

Andrew Wiley, Pearl River, is against the proposed local law as written. However, he would like to see this go forward without the present restriction. He feels strongly that the mixed use should have higher density and additional parking should be considered within the project.

RESOLUTION NO. 496

**TOWN BOARD DECISION/ZONE
CHANGE/SPARKILL HAMLET
CENTER OVERLAY/RESERVE**

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

RESOLVED, that the Town Board reserves their decision until September 8, 2008 at 8:00 p.m.

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

Noes: None

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RESOLUTION NO. 497

**OPEN CONTINUANCE PH/380 OAK
TREE RD/PALISADES/77.16-1-22
LIO TO R-15**

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

RESOLVED, that the 8:10 p.m. continuance from June 23, 2008 of the public hearing to consider a proposed local law amending Chapter 43, Article II of the Town Code entitled Zoning Districts, and the Town Zoning Map, to change the zoning district classification for property located at 380 Oak Tree Road, Palisades, NY, bearing Tax Map Designation S/B/L 77.16-1-22 on the Tax Map of the Town from Light-Industrial-Office to R-15 Medium-Density Residence District is hereby opened.

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

Noes: None

Included in these minutes are comment letters and/or memorandums (Exhibit 7-C-08) from the following: County of Rockland Drainage Agency, County of Rockland Department of Highways, New York State Department of Environmental Conservation, Saccardi & Schiff, Inc., Town's consultants, Orangetown Office of Building, Zoning, Planning, Administration and Enforcement

The public portion was opened and there were no public comments.

Jan Degenshein and David Howe were present to answer any questions.

RESOLUTION NO. 498

**CLOSE PUBLIC PORTION/PH
380 OAK TREE RD/PALISADES**

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

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

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

Noes: None

RESOLUTION NO. 499**NEGATIVE SEQRA DECLARATION
380 OAK TREE RD/PALISADES**

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

RESOLVED, that a negative SEQRA Declaration is hereby adopted, a copy is labeled Exhibit 7-C-08 and made a part of these minutes.

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

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RESOLUTION NO. 500**ADOPT /LOCAL LAW NO. 3/ZONE
CHANGE/380 OAK TREE ROAD/
TAPPAN NEW YORK, TAX MAP NO
77.16-1-22/LIO TO R-22/AMEND THE
TOWN ZONING MAP ACCORDINGLY**

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

WHEREAS, a Petition has been filed with the Town by the owner of real property located at 380 Oak Tree Road, Palisades, New York, said parcel bearing Tax Map designation 77.16-1-22 on the Tax Map of the Town of Orangetown, seeking a change in the zoning classification of said parcel from Light Industrial office ("LIO") to Medium Density Residence, R-15, and a corresponding amendment to the Town's Zoning Map; and

WHEREAS, the Petitioner thereon, subsequent to its filing, has agreed to amend such Petition to change the requested zoning classification to Medium Density Residence, R-22, with certain further restrictions relating to the total number of lots that may be developed, subject to Planning Board subdivision approval; and

WHEREAS, the Town Board, on July 21, 2008, pursuant to notice duly given in accordance with the requirements of the N.Y.S. Town Law and the Town Code of the Town of Orangetown, conducted a public hearing on the Petition, as modified; and

WHEREAS, prior to the conduct of said public hearing the Town circulated the Petition, and related supporting documentation, as required by general Municipal law §§ 239 l & m, to the Rockland County Planning Department, requesting its consideration and comments, as well as to other State and local agencies, boards and departments; and

WHEREAS, in the course of its review and consideration, the Town Board has considered the proposed zone change in the light of the Town's Comprehensive Plan, and concludes that the proposed change is consistent with both the Town's Comprehensive Plan for the area and the general character of the surrounding neighborhood and environs; and

WHEREAS, the Town Board has further considered the agreement by the Petitioner to limit the development of the parcel to a total of three (3) lots (even if, under a standard subdivision layout, or other innovative zoning method, more than three lots could be laid out and shown on a proposed subdivision plat, without variance); and

WHEREAS, the Town Board, in the course of its review of said Petition, determined and resolved that it would be the Lead Agency for the coordinated environmental review of the action under the State Environmental Quality Review Act ("SEQRA") and circulated its intention to that effect to all involved agencies; and

WHEREAS, more than thirty (30) days have elapsed since such notice was given, and no other agency has objected to the Town Board serving in such capacity; and

WHEREAS, the Town Board has determined that the proposed action is an "unlisted action" under SEQRA, and, further, based on the Environmental Assessment Form

Resolution No. 500 - Continued

filed and reviewed herein, the Board's familiarity with the area, the potential development of the property giving due regard to adjacent and nearby wetland areas and the limitations and restrictions on development offered by the Petitioner, and the overall development and character of the neighborhood and surrounding and adjacent environs, and having taken a "hard look" at all of the potential environmental impacts associated with the contemplated action, the Town Board has concluded that such action will not have any significant adverse impact on the environment, and, has adopted a Negative Declaration with respect to the action,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts Local Law No. 3 of 2008, amending the Chapter 43, Article II of the Town's Zoning Law, and the Town's Zoning Map, to change the zoning classification for the property located at 380 Oak Tree Road, Palisades, New York, Tax Map designation 77.16-1-22 from LIO to R-22, subject to the following limitation and restriction as agreed and stipulated to by the property Owner, namely,

Any future subdivision of the parcel shall not result in more than a total three (3) lots, including, the lot on which the existing structure and barn are located, to the extent they shall remain, but also irrespective of whether they remain, it being the express intention of the Town Board, based on its consideration of the Petition herein (including the environmental review conducted herewith) that there shall not be more than a total of three lots created from the existing parcel;

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

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RESOLUTION NO. 501**OPEN PH/DEMAPPING A PORTION OF FIRST STREET/PEARL RIVER**

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

RESOLVED, that the 8:15 p.m. public hearing to consider a request for demapping a portion of First Street, Pearl River, NY, located off of Crooked Hill Road, approximately 230' west of Main Street, between Section 68.12, Block 1, Lot 30 and Section 68.12, Block 1, Lot 31 as shown on the Tax Map of the Town of Orangetown. The subject undeveloped property fronts on the south side of Crooked Hill Road and is shown on said Tax Map to measure approximately 50' wide and 100' long is hereby opened.

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

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and the Notice of Posting, copies are labeled Exhibit 7-D-08 and made a part of these minutes.

Robert Magrino, Deputy Town Attorney, said the petitioners are looking to demap a 50 x 100 ft strip adjacent to their property. This strip of First Street is currently and has been used by abutting property owners as if it is part of their yard. He received a letter from the Highway Department indicating there is no interest of intend in making this a thoroughfare.

Public Comment

Eileen Larkin, Palisades, asked who owns and maintains the demapped property?

RESOLUTION NO. 502**CLOSE PUBLIC PORTION/PH DEMAPPING A PORTION OF FIRST STREET/PEARL RIVER**

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

Resolution No. 502 - Continued

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

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

Noes: None

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RESOLUTION NO. 503**DESIGNATION OF LEAD AGENCY
DEMAPPING A PORTION OF FIRST
STREET/PEARL RIVER**

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

RESOLVED, that the Town Board declares itself Lead Agency in this matter.

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

Noes: None

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RESOLUTION NO. 504**NEGATIVE SEQRA DECLARATION
DEMAPPING A PORTION OF FIRST
STREET/PEARL RIVER**

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

RESOLVED, that a negative SEQRA Declaration is hereby adopted, a copy is labeled Exhibit 7-E-08 and made a part of these minutes.

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

Noes: None

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RESOLUTION NO. 505**ADOPT/TOWN BOARD DECISION
DEMAPPING A PORTION OF FIRST
STREET/PEARL RIVER**

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

WHEREAS, a Notice of Petition and Petition have been filed with the Town Clerk on behalf of Melissa Wilkinson and Theodore David Wallach (the "applicant") pursuant to New York Town Law §273 for the removal and/or demapping of a portion of First Street (formerly known as Third Street) which is a certain piece of property that is a distance of 100 feet in length and 50 feet in width located between parcels identified as Section 68.12 Block 1, Lot 30 (Kosik property) and Lot 31 (Wilkinson property) from the official tax map of the Town of Orangetown and;

WHEREAS, The Town of Orangetown has never accepted a deed to the premises, nor accepted same for dedication, nor improved or maintained same in any manner, and;

WHEREAS, the Superintendent of Highways, James J. Dean has advised in a letter dated September 27, 2007 that his department has no intention of utilizing said property for Town Road purposes and has no interest in accepting or exercising any rights over same and;

WHEREAS, the Town of Orangetown Planning Board, in correspondence to the Town Board dated May 15, 2008, has expressed that it has no objection to the proposed demapping of the portion of First Street that is under consideration herein, and;

Resolution No. 505 - Continued

WHEREAS, the Rockland County Department of Planning has been notified of said hearing and no objection or report has been received, or comments made and;

WHEREAS, the Town Board previously demapped a portion of First Street bordering Carroll Street, Pearl River, New York, by Resolution No. 2003-484 and it is in the public interest to demap same as the Town has no current or future need for same and does not wish to have same on the Town inventory of roads and;

WHEREAS, the applicant has agreed and will be required to file a covenant against further subdivision of the premises and agrees to pay the costs of the recording of same with the Rockland County Clerk's Office, and;

WHEREAS, John Giardiello, P.E., Director of the Office of Building, Zoning, Planning and Enforcement has prepared a Short Form EAF for the purposes of compliance with the State Environmental Quality Review Act (SEQRA), and has advised that the proposed action by the Town Board herein is an "unlisted" action for purposes of SEQRA, and;

WHEREAS, there exists a water main for service to the property of Nelson located at 39 Carroll Street, Pearl River, New York, tax lot Section 68.12, Block 1, Lot 37 (Nelson Property) that runs through a portion of First Street to be demapped, and

WHEREAS, the proposed action by the Town Board does not involve approval of any disturbance of land, or change of zone, or change of use of said property and;

WHEREAS, it is understood that the neighboring property owners Kossick and Wilkinson have agreed to Quitclaim any rights the other might have to each other over the portion to be demapped, subject to any rights the Nelson property has, if any, to an easement for the purpose of utilities currently in existence on, over, and in First Street;

NOW THEREFORE IT IS HEREBY RESOLVED, that in accordance with §273 of the New York Town Law, upon the evidence presented herein and upon the advice and recommendation of the Superintendent of Highways, and the Town Attorney's Office as follows:

- 1) This is an unlisted action subject to the New York State Environmental Quality Review Act. The Town of Orangetown Town Board appoints itself as Lead Agency for the uncoordinated review of this action. There are no other involved agencies. There will be no significant adverse impact on the environment as a result of this action. The basis for this determination is that the action involves the demapping of a portion of a "paper street" and will involve no disturbance to the land involved. Such demapping will have no impact on the site and will not disturb any environmentally sensitive sites and will not cause any adverse environmental impact upon the air quality, vegetation, ground water, or Town goals and objectives.
- 2) This proposed resolution was heard at properly noticed Public Hearing before the Town Board.
- 3) The Town Board hereby authorizes the demapping of a portion of First Street (formerly known as Third Street) which is a certain piece of property that is a distance of 100 feet in length and 50 feet in width located between parcels identified as Section 68.12 Block 1, Lot 30 (Kosik property) and Lot 31 (Wilkinson property) from the official tax map of the Town of Orangetown and map of official roads.
- 4) Said demapping is subject to any existing underground utilities, if any, and subject to any continuing rights to maintain or replace such utilities, if any, including but not limited to, those servicing the Nelson property at 39 Carroll Street, Pearl River, New York, Tax Lot Section 68.12, Block 1, Lot 37.

Resolution No. 505 - Continued

5) As a condition of this demapping, the applicant Wilkinson and Kosik shall be required to execute and file a Restrictive Covenant Against Further Subdivision subject to review and approval of same by the Town Attorney's Office, with the understanding that the Wilkinson and Kosik properties may seek subdivision for the purpose of extending their existing lots, but may not create a new lot or lots from the portion of First Street to be demapped. Said Covenant shall be filed and recorded in the Rockland County Clerk's Office at the expense of the applicant.

6) The Town Supervisor is authorized to execute on behalf of the Town, all documents necessary to effectuate the demapping of said street and all documents that may be necessary to record the Restrictive Covenant Against Further Subdivision.

7) This action shall not affect the right, title or interests, if any, of any parties with respect to the portion of the lands demapped herein.

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

Noes: None

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RESOLUTION NO. 506

COMBINE AGENDA ITEMS

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

RESOLVED, that items twenty-one (21) through forty-three (43), except items 31, 33, 34 and 37 are hereby combined.

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

Noes: None

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RESOLUTION NO. 507

**REAPPOINT/YOUTH RECREATION
ASSEMENT ADVISORY COMMITTEE
KEVIN POWERS**

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

RESOLVED, that Kevin Powers is hereby reappointed to the Town Youth Recreation Assessment Advisory Committee.

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

Noes: None

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RESOLUTION NO. 508

**REAPPOINT/BLUE HILL GOLF
COURSE ADVISORY COMMITTEE
DAN SALMON**

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

RESOLVED, that Dan Salmon is hereby appointed to the Blue Hill Golf Course Advisory Committee.

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

Noes: None

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RESOLUTION NO. 509**AID/LIONS CLUB OF BLAUVELT
ANNUAL APPLE FESTIVAL**

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

RESOLVED, that request of the Lions Club of Blauvelt for the use of two portable toilets for its Annual Apple Festival in Flywheel Park, Piermont on September 21, 2008 is hereby approved.

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

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RESOLUTION NO. 510**ASSESSOR/ADOPT BASE
PROPORTIONS/2008 ASSESSMENT
ROLL**

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

RESOLVED, that Certificate of Current Homestead Base Proportions and Adjusted Base Proportions (forms RP 67-1 and 6703) are hereby adopted pursuant to Article 19, Section 1903 of the Real Property Tax Law for the Levy of Taxes on the 2008 Assessment Roll, (copies are labeled Exhibit 7-F-08 and made a part of these minutes) and the Town Clerk is hereby authorized to affix the Town Certification.

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

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RESOLUTION NO. 511**FINANCE/ADOPT MILEAGE
REIMBURSEMENT RATE**

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

RESOLVED, that the standard mileage reimbursement rate to 58.5 cents per mile for all Town-related business miles driven from July 1, 2008 in accordance with the Internal Revenue Service is hereby adopted.

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

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RESOLUTION NO. 512**AODPT 2009 BUDGET TIMETABLE
CALENDAR**

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

WHEREAS, Article 8 of the Town Law of the State of New York provides for a budget system for a Town; and

WHEREAS, the Town Board wishes to set up a budget schedule as provided in Article 8 of the Town Law by designating various dates to implement the 2009 budget; Now, Therefore, Be It

RESOLVED, that the following dates are hereby set as official dates of the Town of Orangetown for the submission and adoption of the budget as required by law:

Resolution No. 512 - Continued

AUGUST 11, 2008: Last date for The Highway, Parks and Recreation, and Police department heads to submit their estimate of operating revenues and expenditures to Supervisor with the estimates submitted in such form and containing such information as the Supervisor shall prescribe;

AUGUST 22, 2008: Last date for other department heads to submit estimate of operating revenues and expenditures to Supervisor with the estimates submitted in such form and containing such information as the Supervisor shall prescribe;

AUGUST 22, 2008: Last day for administrative unit heads to submit long-term capital improvement requests and financial estimates to the Supervisor;

AUGUST 29, 2008: Last day for each ambulance district and library district to submit an estimate of revenues and expenditures;

BETWEEN SEPTEMBER 2 and SEPTEMBER 12, 2008: The Town Board shall endeavor to meet with department heads and amongst themselves to discuss the budget prior to the filing of the budget by the Supervisor;

SEPTEMBER 22, 2008: Last day for the supervisor to file with the Town Clerk the tentative budget and budget message for 2009, and the estimates and schedules of the various administrative units;

SEPTEMBER 22, 2008: At a meeting of the Town Board at 8:00 P.M. at Town Hall, Orangeburg, New York, the Town Clerk shall distribute to the Town Board the 2009 Tentative Budget for the Town;

SEPTEMBER 30, 2008: Last day for each fire district to submit an estimate of revenues and expenditures;

OCTOBER 27, 2008: Last day for the Town Board to complete review of Tentative Budget and file the Preliminary Budget with the Town Clerk;

OCTOBER 27, 2008: Town Clerk is directed to publish said Preliminary Budget and post a Notice of Public Hearing as required by law on said preliminary budget, in which notice includes the salaries of the Town Board and the Town Clerk;

NOVEMBER 3, 2008: At 8:00 P.M. a public hearing on the Preliminary Budget shall be held at Town Hall at Orangeburg, New York. At the conclusion of the hearing, the Town Board may by resolution adopt a final budget, either accepting or amending the Preliminary Budget and said budget may become the legally adopted budget for the Town of Orangetown for the year commencing January 1, 2009.

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

Noes: None

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RESOLUTION NO. 513**HIGHWAY/EQUIPMENT SURPLUS**

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

RESOLVED, that the following Highway equipment is declared surplus:

Vehicle	Description
10	1996 Ford Crown Victoria (2FALP71W8TX149935)
28	1998 Ferguson (4401)
52	1992 International (1HTSCNMN1NH397930)
80	1985 FWD V-body Plow (1F9AL28R7FCFT1011)
81	1986 FWD Dump/Plow/Spreader (1F9AR28R8GCFT1017)

Resolution No. 513 - Continued

603A 1987 Peterbilt Compactor (1XPZL50X6HD702772)
 1985 Mack Dump (1M3B167K2FT003108)
 1985 Mack Dump (1M3B167K9FT003106)
 L-17 1988 Tarco Leaf Machine (J23KA0647J00)
 TD-2 1990 Peterson Brush Trailer (TT20390133)

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

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RESOLUTION NO. 514**AWARD BID/LEAF VACUUM
MACHINE/HIGHWAY**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for one new leaf vacuum machine, which were received and publicly opened on July 9, 2008. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 7-G-08 and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Trius Inc., Bohemia, NY the lowest qualified bidder, in the amount of \$32,889 to be charged to Account No. D5130002/50200.

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

* * *

RESOLUTION NO. 515**AWARD BID/CURB REPLACEMENT
PROJECT/MEYER OVAL/PEARL
RIVER/HIGHWAY**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for the curb replacement project for Meyer Oval, Pearl River, which were received and publicly opened on June 25, 2008. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 7-G-08 and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Bellavista Construction, Ardsley, NY the lowest responsible bidder, in the amount of \$53,500 to be charged to Account No. A5410004/50457.

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

* * *

RESOLUTION NO. 516**AWARD BID/ASPHALT SPORT
COURT REFURBISHMENT/PARKS**

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

WHEREAS, the Superintendent of Parks duly advertised for sealed bids for the asphalt for court refurbishment at various facilities, which were received and publicly opened on July 16, 2008. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 7-I-08 and made a part of these minutes. Now, Therefore, Be It

Resolution No. 516 - Continued

RESOLVED, that this bid is hereby awarded to Copeland Coating, Inc., Nassau, NY the lowest responsible bidder, in the amount of \$121,325 to be charged to Account No. H7110672/50200.

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

* * *

RESOLUTION NO. 517**APPOINT/AUTOMOTIVE MECHANIC I
DEME/ARTHUR HIGGINS**

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

RESOLVED, that employee, Arthur Higgins, is hereby appointed to the position of Automotive Mechanic 1 in the Department of Environmental Management & Engineering, with a mandatory 6 month probationary period, grade 15-8, annual salary \$73,661, effective July 22, 2008.

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

* * *

RESOLUTION NO. 518**DEMAPPING OF OLD BLUE HILL
ROAD WEST/ROCKLAND COUNTY
LEGISLATURE/LAND SWAP**

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

WHEREAS, The Rockland County Legislature, as part of Resolution, duly adopted July 1, 2008, has requested a report from the Town Board, relating to the contemplated removal of Old Blue Hill Road West from the County Official Map, and the addition thereto of a 2 ± acre parcel of land in the vicinity of Hunt Road, as well as the related conveyances by the Town to the County and by the County to the Town as referenced in such resolution; and

WHEREAS, by Resolution No. 216 of 2008, the Town Board had previously approved such actions, insofar as they relate to the Town, and in connection with the future development by a private developer of lands in the immediate vicinity of Old Blue Hill Road West; and

WHEREAS, the Town Board continues to believe that such conveyances by and between the Town and the County are in the best economic and planning interests of the Town,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Orangetown expressly supports and, to the extent required, approves the proposed amendment to the County Official Map as set forth in the above referenced County Resolution, as well as the related conveyances contemplated thereby, and reaffirms its earlier resolution, among other things, authorizing the Town Supervisor to sign an Intermunicipal Agreement with the County effecting the said land transfers.

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

* * *

Mary Cardenas, Town Historian, spoke about the importance of saving old houses because it is the heritage of the Town. The Seth house belongs to the community of Orangetown and deserves to be saved.

Jim Castagna, Sparkill, is in favor of keeping the beautiful structured Seth house.

RESOLUTION NO. 519**PRESERVATION OF THE PERRY/
DAVID SETH HOUSE
ARC/MERCEDES PROPERTY**

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

WHEREAS, by Local Law No. 18 of 2005, the Town amended its Zoning Law to change the zoning classification of certain property located in the Hamlet of Pearl River, on the South side of Veterans Memorial Drive, East of the Existing Blue Hill Office Complex and West of Blue Hill South Drive, said property shown on the Tax Map of the Town of Orangetown as Section 73.10 Block 1 and Lots 4, 5 and 6 (partial) from OP to PAC; and

WHEREAS, in accordance with the provisions of Chapter 43, § 4.6 of the Town Zoning Law, in granting the said zone change, the Town Board by Resolution No. 771 (December 5, 2005) made certain specific findings, and imposed certain specific conditions, relating to the development of the said property, including, but not limited to, findings and conditions relating to preservation of the Perry/David Seth House (the "Seth House"), a structure with historic attributes located on the property; and

WHEREAS, among the conditions relating to the Seth House were the following:

In the event the Petitioner and the Town, in good faith, are not able to accommodate the structure (or any portion thereof) at its present location, in a manner that does not result in a loss of residential units directly attributable to the continued existence of the structure at its present location then, and in that event, the Petitioner agrees, at the Town Board's option, either (i) to dispose of the house, as directed by the Town, or (2) to convey to the Town a parcel of property, consisting of approximately 1 acre, located in the northwest corner of premises, bordering Veterans Memorial Drive and accessed by a service road, and to relocate the structure to such site.

If the Petitioner is able to incorporate the structure into the layout and design of its PAC development, or disposes of the structure at the Town's direction, it shall make a payment to the Town in the sum of \$300,000.00. In the event the Petitioner, at the Town's direction, shall relocate the structure as referenced aforesaid, then, and in that event, the Petitioner shall do so at its sole cost and expense (said relocation to include, but not necessarily be limited to, the grading of the site and the construction of a foundation, access road and parking lot). If the cost of the relocation of the structure (separate and apart from the value of the land being conveyed) shall be less than \$300,000.00 (such costs to be documented to the Town), the residual amount shall be paid to the Town to be used for its general municipal purposes. In the event the cost shall exceed \$300,000.00, the Petitioner shall pay any difference.

and,

WHEREAS, the developer has advised the Town that it is able to incorporate the Seth House into its layout for the development of the property, but only with a loss of two or more of the proposed residential units, which circumstance has been verified by the Town's building and planning officials; and,

WHEREAS, in the light of such circumstance, the developer, has sought the direction of the Town with respect to the disposition of the said structure; and

WHEREAS, the Town Board is of the opinion that the Seth House is of sufficient historic value to the Town that it ought be preserved at its present location, as recommended by state and county officials at the time of the zone change; and

WHEREAS, Resolution 771 expressly reserves to the Town Board ". . . the right to re-assess whether the Seth House, or any portion of the Seth House should remain in its present location"; and

Resolution No. 519 - Continued

WHEREAS, in consideration of the developer foregoing the two referenced dwelling units and incurring the substantial costs associated with the renovation of the Seth House in a manner that will preserve its historic qualities, and, further, recognizing that the developer has agreed, as part of the planning process, to include 12 affordable units in the PAC development, without having requested or received any additional "bonus" market rate units, as authorized under the PAC zoning provisions, the Town and the developer have agreed that the \$300,000.00 payment referred to in Resolution 771 shall not be due and owing,

NOW, THEREFORE, BE IT RESOLVED, that the developer shall leave the Perry/David Seth House at its present location, and shall renovate and restore the said structure, at its sole cost and expense, in a manner approved by and acceptable to the Town Board, assisted by the Town's Historic Area Board of Review and/or other public and private entities (as and if requested by the Town Board), in consideration of which the Town shall forego any claim for the \$300,000.00 payment, or any portion thereof, required under Resolution 771.

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

* * *

RESOLUTION NO. 520

**POLICE/APPOINT HEARING OFFICER
 EMPLOYEE NO 1422**

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

BE IT RESOLVED, that the Town Board of the Town of Orangetown ("Town Board") hereby appoints John A. Costa, Esq. with offices at 135 Main Street, Nyack, New York to act as a hearing officer pursuant to Chapter 526 of the Laws of New York (the "Rockland County Police Act") with respect to employee number 1422 and certain disciplinary charges preferred by the Chief of Police against said employee, and hereby directs that officer to conduct a hearing, make findings of fact and issue a recommendation of guilt or innocence along with a recommended penalty, if appropriate, to the Town Board pursuant to certain rules and regulations promulgated by the Town Board; and

BE IT FURTHER RESOLVED, that the Town of Orangetown (the "Town") shall provide for the defense and indemnification of the hearing officer in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the hearing officer was acting in connection with the disciplinary charges and/or disciplinary hearing, including but not limited to the issuance of the report and recommendation, along with the hearing officer's recommended finding of guilt or innocence, as well as any proposed penalty. This duty to provide for a defense shall not arise where such civil action is brought by the Town. In the event any action is maintained against the hearing officer in connection with his duties herein, the hearing officer shall be entitled to be represented by private counsel chosen by the Town Board, who may also represent the Town, the Town Board and any of its employees, unless a conflict of interest would arise. In such event, the Town Board shall select separate counsel for the hearing officer; and

BE IT FURTHER RESOLVED, that John Costa, Esq., shall be compensated at a rate of \$200.00 per hour for services rendered.

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

* * *

RESOLUTION NO. 521

**AUTHORIZE AGREEMENT/ROCKLAND
 CTY BOCES/GATEWAY ACADEMY**

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

Resolution No. 521 - Continued

RESOLVED, that the Town Supervisor and the Orangetown Police Department are hereby authorized to sign an agreement with Rockland County BOCES for the assignment of a Police Officer to the Gateway Academy, with a BOCES reimbursement to the Town of \$93,000, for the 2008-2009 school year.

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

* * *

RESOLUTION NO. 522**ACCEPT MINUTES**

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

RESOLVED, that the June 16, 2008 Executive Session minutes; the June 19, 2008 and July 1, 2008 Special Town Board Meeting minutes; and the June 23, 2008 Regular Town Board Meeting, Audit Meeting and Executive Session minutes are hereby accepted.

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

* * *

RESOLUTION NO. 523**HYUN SUBDIVISION/DECLARATION
OF COVENANT/STORM WATER
CONTROL/RECEIVED/FILED**

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

RESOLVED, that the Declaration of Covenant for the Annual Inspection of Storm Water Control Facilities for the Hyun Subdivision, 139 Washington Spring Road, Palisades, (Tax Lot 78.18, Block 2 Lot 13), Planning Board Decision 08-01 is received and filed in the Town Clerk's Office.

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

* * *

RESOLUTION NO. 524**RPC/HENNINGSON DURHAM &
RICHARDSON ARCHITECTURE
AMENDMENT/PROFESSIONAL
SERVICES/ATHLETIC FIELDS
RECEIVED/FILED**

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

RESOLVED, that the fully executed amendment to the Professional Services Agreement between Henningson, Durham & Richardson Architecture and Engineering, P.C. and the Town of Orangetown relating to certain athletic fields and infrastructure improvements on Town Owned Land formerly part of the Rockland Psychiatric Center is received and filed in the Town Clerk's Office.

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

RESOLUTION NO. 525**2007 COMPREHENSIVE ANNUAL
FINANCIAL REPORT/INDEPENDENT
AUDITORS REPORT/RECEIVED/FILED**

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

RESOLVED, that the Comprehensive Annual Financial Report and Independent Auditors' Report on Communication of Internal Control Matters Identified in the Audit for the Fiscal Year Ended December 31, 2007 is received and filed in the Town Clerk's Office.

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

* * *

RESOLUTION NO. 526**AWARD BID/NEW LIGHTNING
LOADER/ACCESSORIES/HIGHWAY**

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

WHEREAS, the Superintendent of Highway duly advertised for sealed bids for one (1) new lightning loader with accessories, which were received and publicly opened on July 16, 2008. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 7-J-08 and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Trius Inc., Bohemia NY the lowest qualified bidder, in the amount of \$149,887 to be charged to Account No. D5130052/50200.

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

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RESOLUTION NO. 527**POLICE/ACCEPT RESIGNATION
BRIAN J LYONS/BADGE NO 142**

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

RESOLVED, that Town Board hereby accepts with regret Police Officer, Brian J. Lyons' (Badge #142) resignation from the Orangetown Police Department, effective July 19, 2008.

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

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RESOLUTION NO. 528**APPOINT/POLICE OFFICER
CHRISTINE A MCLAUGHLIN**

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

RESOLVED, that upon the recommendation of the Chief of Police, Christine A. McLaughlin is hereby appointed to Police Officer/Permanent, from the Rockland County Civil Service List # (OC) 04200, effective August 4, 2008, at a salary consistent with the terms of the Labor Agreement between the Town of Orangetown and Orangetown Patrolman's Benevolent Association.

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

RESOLUTION NO. 529**APPOINT/POLICE OFFICER
MATTHEW A SULLIVAN**

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

RESOLVED, that upon the recommendation of the Chief of Police, Matthew A. Sullivan is hereby appointed to Police Officer/Permanent, from the Rockland County Civil Service List # (OC) 04200, effective August 4, 2008, at a salary consistent with the terms of the Labor Agreement between the Town of Orangetown and Orangetown Patrolman's Benevolent Association.

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

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RESOLUTION NO. 530**APPOINT/POLICE OFFICER
SCOTT T MICHEL**

Councilman Troy 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 appointed to Police Officer/Permanent, from the Rockland County Civil Service List # (OC) 04200, effective August 4, 2008, at a salary consistent with the terms of the Labor Agreement between the Town of Orangetown and Orangetown Patrolman's Benevolent Association.

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

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RESOLUTION NO. 531**APPOINT/POLICE OFFICER
RAPHAEL GONZALEZ**

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

RESOLVED, that upon the recommendation of the Chief of Police, Raphael Gonzalez is hereby appointed to Police Officer/Spanish Speaking/Permanent, from the Rockland County Civil Service List # (OC) 04200B, effective August 4, 2008, at a salary consistent with the terms of the Labor Agreement between the Town of Orangetown and Orangetown Patrolman's Benevolent Association.

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

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RESOLUTION NO. 532**ADJOURNMENT/MEMORY
ENTER AUDIT**

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

RESOLVED, that the Town Board adjourned this meeting at 10:40 p.m. in memory of Sr. Francis Xavier Broyles, Dominican Convent, Sparkill and John A. Burke, Pearl River.

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

Charlotte Madigan, Town Clerk