

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, JANUARY 24, 2012**

This Town Board Meeting was opened at 7:30 p.m. Supervisor Stewart presided and the Town Clerk called the Roll. Present were:

Councilman Denis Troy
Councilman Thomas Diviny
Councilman Thomas Morr
Councilman Paul Valentine

Also present: Charlotte Madigan, Town Clerk
Allan Ryff, Deputy Supervisor
John Edwards, Town Attorney
Teresa Kenny, First Deputy Town Attorney
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways
Joseph Moran, Commissioner of DEME
Robert Simon, Receiver of Taxes
John Giardiello, Director of OBZPAE,
Aric Gorton, Superintendent of Parks-Rec & Building Maint.

Ed O'Dea led the Pledge of Allegiance to the Flag.

Pearl River High School students, Caitlin Kenny, Claire Greenwood, and Pat Brosnan; Tappan Zee High School students, Caroline Russo and Devona Paul; Rockland Senior Assistant District Attorney, Maria DeSimone; Detective John Antonucci, Rockland County Task Force; Detective Peter Maher, Orangetown Police Dept. and Substance Abuse Committee member, Ann Marie Hahr were presented with Certificates of Recognition for their hard work and dedication to stop substance abuse.

Joseph Moran, Commissioner of DEME, said one of the motors in the Piermont Pump Station has burned out, leaving only one pump operable. This station has not been upgraded since it was constructed in 1964, and the DEC had expected this station was going to be upgraded in 2010. He recommended a new pump be purchased immediately to avoid another pump failure and potential overflows.

RESOLUTION NO. 26

**APPROVE PURCHASE/UPGRADE
PIERMONT PUMP STATION**

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

RESOLVED, that upon the recommendation of the Commissioner of the Department of Environmental Management and Engineering, the purchase of three (3) new pumps and all necessary valves, fittings, piping and electrical controls, for the upgrading of the Piermont pump station, at a cost of \$104,178.00 is hereby approved. This pump station has experienced numerous failures throughout the past year and has not been upgraded since it was originally constructed in 1964.

Ayes: Councilmen Diviny, Valentine, Troy, Morr
Supervisor Stewart
Noes: None

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Summary of Public Comments (RTBM):

Greg McKillop, along with three members of the Sparkill Watershed Alliance, spoke in favor of upgrading the Piermont pump station. He stated, the Sparkill Creek is polluted by enterococcus bacteria, an indicator of sewage.

Eileen Larkin congratulated the students of Substance Abuse Committee for their dedication and hard work. She requested the Town Board support the re-opening of the Tallman State Park pool. She believes the Sparkill Creek water table is high and she would like it addressed. Sona Mason, Pearl River, is in favor of upgrading and repairing the Piermont pump station.

RESOLUTION NO. 27**CLOSE PUBLIC COMMENTS**

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

RESOLVED, that the public portion is hereby closed.

Ayes: Councilmen Diviny, Morr, Troy, Valentine
Supervisor Stewart

Noes: None

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RESOLUTION NO. 28**OPEN PH/CDBG COMMUNITY
DEVELOPMENT BLOCK GRANT**

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

RESOLVED, that 8:00 p.m. public hearing to consider applications and recommendations, from the Town's CDBG Committee, to be submitted to the Rockland County Consortium of Towns and Villages Community Development Citizen Viewpoint of the 2012 Block Grant Funds is hereby opened.

Ayes: Councilmen Troy, Morr, Diviny, Valentine
Supervisor Stewart

Noes: None

Sr. Peggy Scarano and Sr. Jude Miriam De Palma, members of the Community Development Block Grant Committee, indicated that they worked closely with James Dean, Superintendent of Highways and Stephen Munno, Senior Administrative Assistant, to write this grant application. The funding from this grant will allow the Town to make public facilities improvements. The Town intends to remove thirty architectural barriers (curb cuts), to rehabilitate the safety sidewalk routes in the hamlets of Blauvelt and Orangeburg. The removal of the barriers will take place along Western Highway, Orangeburg (between Orangeburg Road and Lowe Lane); Western Highway, Blauvelt, (between Mountainview Avenue and North Troop Road); Orangeburg Road, Orangeburg (north side, between Western Highway and Dutch Hill Road); Orangeburg Road, Orangeburg (south side, between Lester Drive and Dutch Hill Road) and Convent Road, Blauvelt (between Durfuss Lane and Van Wyck Road). These areas consist of 808 single-family residential parcels, one hospital, one group home, and one senior housing apartment complex. At least 43% of this area consists of low to moderate income households, senior citizens and people with disabilities. Removal of these barriers will enhance the mobility and/or accessibility for senior citizens and people with disabilities. This will allow them to safely cross streets, access shopping centers and public facilities. Up to thirty improvement cuts will be made, costing a total of \$75,000. This project is part of a five-year plan, which was submitted to Community Development in 2009. The Town is applying for a total of \$75,000 (estimate of \$2,500 per curb cut) to remove these barriers.

Mr. Tompkins, Pearl River, supports this project.

The Town Board thanked Sr. Peggy and Sr. Jude for their hard work and for providing a CDBG application to provide safer sidewalks for our senior citizens and people with disabilities. Sr. Peggy has made a commitment over the last few years doing the CDBG grant and we appreciate her attention to detail.

RESOLUTION NO. 29**CLOSE PH/CDBG COMMUNITY DEVELOPMENT BLOCK GRANT**

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

RESOLVED, that the public comments portion is hereby closed.

Ayes: Councilmen Diviny, Troy, Morr, Valentine
Supervisor Stewart
Noes: None

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RESOLUTION NO. 30**APPROVE ACCEPTANCE/SUBMIT APPLICATIONS/COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)**

Councilman Morr offered the following resolution, which was seconded by Councilman Valentine and was unanimously adopted:

RESOLVED, that the Orangetown Town Board approved the 2012 CDBG Committee's recommendation, to be submitted to the County of Rockland Community Development Office for consideration and approval.

Ayes: Councilmen Morr, Valentine, Troy, Diviny
Supervisor Stewart
Noes: None

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RESOLUTION NO. 31**OPEN PH/SPECIAL PERMIT ORANGEBURG COMMONS/FB ORANGETOWN LLC/170 ROUTE 303 ORANGEBURG/74.15-1-21**

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

RESOLVED, that the 8:05 p.m. public hearing to consider the application from FB Orangetown, LLC to amend a Special Permit, previously approved by the Town Board, permitting mixed-use development of property located at 170 Route 303, Orangeburg (74.15-1-21) is by opened.

Ayes: Councilmen Diviny, Morr, Troy, Valentine
Supervisor Stewart
Noes: None

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Charlotte Madigan, Town Clerk, presented the Affidavit of Publication, the Notice of Posting and the applicant's Affidavit of Mailings and Postings; copies are labeled Exhibit 1-A-12 and made a part of these minutes.

Letters of comments and concerns, from the Palisades Interstate Park Commission, Orangetown Planning Board, Orangetown Building Dept., Orangetown Dept. of Environmental Management and Engineering, Rockland County Planning, Marriott International, Inc., Adler Consulting, and NYS DOT / John Collins Engineers, were received prior to this public hearing; copies are labeled Exhibit 1-B-12 and made a part of these minutes.

Geraldine Tortorella, attorney for applicant, presented and explained the amended site plan. The major amendment is to construct a 51,823 square foot Stop & Shop, instead of two retail buildings. She pointed out that all amendments are subject to Planning Board approval. John Collins, applicant's Traffic and Transportation consultant, said all of the results and recommendations in the earlier traffic study were carried over to a more recent study. He said, there will be a minimum impact from traffic. He still recommended that traffic recounts, to

better time intersections, be done about six-months after the subsequent opening of this project. The Town’s traffic consultant concurred with the methodology, trip rates, distribution and the findings that were used.

Mr. Skip Lebarr, Marriott, said a Residence Inn is for the purpose of an extended stay (5 days or more), used by the business community, and is a high end product for Marriott.

Rick Birdoff, FB Orangetown, LLC, confirmed they are confident they will not need to be back before the Town Board on the bases of hardship, saying we need retail instead of the second hotel.

Summary of Public Comments:

Gail Raffaele, Tappan, supports this project and asked where the public bus will turn around. She opposes closing or making Highview Avenue one- way.

Eileen Larkin, Palisades, spoke about her concerns regarding traffic, the Sparkill Creek and lights affecting the Palisades Parkway. She hopes this project is successful.

Laurie Peek, Tappan, asked if there was a water Management Plan for this project and discussed the importance of all future projects having permeable pavement.

FB Orangetown, LLC’s Attorney, explained that a porous pavement would not work on this site. Habib Hasan, Nyack, asked who was the owner of this property and who would be paying the taxes?

Fran Oldenburger, Blauvelt, has concerns regarding the runoff from this large piece of property and of other big box developments. She wants a huge buffer for pollution purposes. She asked, will the development of a Stop and Shop set a precedent for other large facilities along Route 303?

Watson Morgan, Blauvelt, is in favor of this project. He questioned, if capping is part of the remediation process for this contaminated site.

FB Orangetown, LLC representatives assured them that the runoff is addressed and capping is part of this project.

Supervisor Stewart commented that the Town Board needed additional time to exercise due diligence on this project.

RESOLUTION NO. 32

**CONTINUE PH/ SPECIAL PERMIT
ORANGEBURG COMMONS FB
ORANGETOWN LLC/170 ROUTE 303
ORANGEBURG/74.15-1-21**

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

RESOLVED, that this public hearing to consider the application, from FB Orangetown, LLC, to amend a Special Permit, previously approved by the Town Board, permitting mixed-use development of property located at 170 Route 303, Orangeburg (74.15-1-21), will continue on February 16, 2012 at 8 p.m.

Ayes: Councilmen Troy, Diviny, Morr, Valentine
Supervisor Stewart

Noes: None

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RESOLUTION NO. 33

**ALLOW PROCESS/PLANNING
BOARD/SPECIAL PERMIT
ORANGEBURG COMMONS/FB
ORANGETOWN LLC/170 ROUTE 303
ORANGEBURG/74.15-1-21**

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

RESOLVED, that the Town Board, by this Resolution, further authorizes FB Orangetown, LLC, at its option, to file and prosecute an application before the Town Planning Board for amended site plan approval, provided, however, that no approval or other final action

Resolution No. 33 -Continued

on such application shall be granted or taken by such Board until such time, if ever, as an Amended Special Permit shall be granted.

Ayes: Councilmen Diviny, Valentine, Troy, Morr
Supervisor Stewart
Noes: None

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RESOLUTION NO. 34**AID/SHOWMOBILE/AOH/ST.
PATRICK'S DAY PARADE**

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

RESOLVED, that aid to the Ancient Order of Hibernians for the Town to provide trash barrels, barricades along the line of march, painting of the green stripe, sound system and personnel to assist, Town showmobile in the amount of \$350.00 and porto-sans (the cost to be shared with the Ancient Order of Hibernians) with the Town to pay for 14, for the St. Patrick's Day Parade, to be held on March 18, 2012 is hereby approved.

Ayes: Councilmen Troy, Diviny, Morr, Valentine
Supervisor Stewart
Noes: None

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RESOLUTION NO. 35**APPROVE AID/JOHN BELLEW 5K
RUN/WALK**

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

RESOLVED, that aid to the John Bellew 5K Run/Walk, by providing trash receptacles, barricades and two port-o-sans, on Saturday, April 14, 2012, is hereby approved.

Ayes: Councilmen Troy, Diviny, Morr, Valentine
Supervisor Stewart
Noes: None

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RESOLUTION NO. 36**ACCEPT/RECEIVE/FILE AMENDED
LETTER OF CREDIT/BLICKMAN
JACQUENEY/PERFORMANCE BOND**

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

WHEREAS, pursuant to Town Board Resolution 2011-616, the Town formally accepted, received and filed a Performance Bond from Victoria Blickman Jacqueney, Trustee of Nancy C. Blickman, in favor of the Town of Orangetown, in connection with a certain subdivision known as the "Blickman Minor Subdivision", located at Sickletown Road, Pearl River, New York and

WHEREAS, pursuant to said Resolution, Victoria Blickman Jacqueney posted an Irrevocable Letter of Credit No. SDCMTN553279, issued by HSBC Bank, in favor of the Town of Orangetown, in the amount of \$65,294.40 as collateral for said Performance Bond (reduced from \$97,980.00 originally set in Town Board Resolution 2008-128) and

WHEREAS, the Planning Board in its decision identified as PB #2011-43 and upon recommendation of DEME and the Orangetown Highway Department, recommended a reduction in the amount of the Performance Bond to \$29,564.40,

Resolution No. 36 - Continued

NOW THEREFORE, be it hereby resolved that the Town Board hereby authorizes a reduction in the "Blickman Minor Subdivision" Performance Bond that was posted pursuant to Town Board Resolutions 2008-128 and 2011-616, to \$29,564.40 and

BE IT FURTHER RESOLVED, that upon recommendation of the Town Attorney's Office, the Town hereby accepts, receives and files an Amended Letter of Credit No. SDCMTN5532789, dated November 30, 2011 issued by HSBC Bank in favor of the Town of Orangetown, in the amount of \$29,564.40, as collateral for the "Blickman Minor Subdivision" Performance Bond.

Ayes: Councilmen Troy, Diviny, Morr, Valentine
Supervisor Stewart
Noes: None

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RESOLUTION NO. 37**AWARD BID/POLICE UNIFORMS
STARR UNIFORM CENTER**

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

WHEREAS, the Police Chief duly advertised for sealed bids for the purchase of Police Uniforms, which were received and publicly opened on December 21, 2011. (A copy of the publication and bid summary are labeled Exhibit 1-C-12 and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that upon the recommendation of the Chief of Police, the 2012-2013 contract bid for purchasing uniforms for the Orangetown Police Department, is hereby awarded to Starr Uniform Center, Scranton, PA, the only bidder.

Ayes: Councilmen Valentine, Diviny, Troy, Morr
Supervisor Stewart
Noes: None

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RESOLUTION NO. 38**AWARD BID/POLICE UNIFORMS
DRY CLEANING/ WASHING
REPAIRS/THE WASHING BOARD**

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

WHEREAS, the Police Chief duly advertised for sealed bids for dry cleaning, washing and minor repairs of Police Uniforms, which were received and publicly opened on December 21, 2011. (A copy of the publication and bid summary are labeled Exhibit 1-D-12 and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that upon the recommendation of the Chief of Police, the 2012-2013 contract bid for dry cleaning, washing and minor repairs of uniforms for the Orangetown Police Department, is hereby awarded to The Washing Board, Pearl River, NY, the only bidder.

Ayes: Councilmen Diviny, Morr, Troy, Valentine
Supervisor Stewart
Noes: None

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RESOLUTION NO. 39**APPROVE CONTRACT/CANADA
GEESE CONTROL/HUDSON VALLEY
WILD GOOSE CHASERS**

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

Resolution No. 39 - Continued

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, the contract with Hudson Valley Wild Goose Chasers of Nyack, NY for Canada Geese control at Veterans Memorial Park and Blue Hill Golf Course is hereby approved. The monthly cost of this contract is: \$1,450.00 per month at Veterans Park and \$550.00 per month at Blue Hill Golf Course.

Ayes: Councilmen Troy, Diviny, Morr, Valentine
 Supervisor Stewart
 Noes: None

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RESOLUTION NO. 40

**AMEND/BROADACRES PROPOSED
 2012 NON-RESIDENT WEEKDAY
 GREENS FEES**

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

RESOLVED, that the 2012 Proposed Broadacres Non-Resident Weekday Greens Fee is hereby amended from \$48.00 to \$46.00.

Ayes: Councilmen Valentine, Troy, Diviny, Morr
 Supervisor Stewart
 Noes: None

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RESOLUTION NO. 41

APPROVE 2012 GOLF FEE SCHEDULE

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

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation and the Blue Hill/Broadacres Golf Advisory Committee, the 2012 Golf Fee Schedule is hereby approved.

Permit Rates			
Type:	2010 Fee	2011 Fee:	2012 Fee:
Adult Resident	\$60.00	\$65.00	\$65.00
Senior Resident	\$50.00	\$50.00	\$50.00
Youth Resident	\$30.00	\$30.00	\$30.00
Broadacres Grandfather	\$85.00	\$90.00	\$90.00
Associate	\$85.00	\$95.00	<i>\$100.00</i>
Corporate	\$150.00	\$200.00	<i>\$300.00</i>

Weekday Resident Greens Fees			
Service:	2010 Fee	2011 Fee:	2012 Fee:
Weekday Resident	\$27.00	\$29.00	\$29.00
Weekday Resident-After 3:30pm	\$20.00	\$22.00	\$22.00
Weekday Senior	\$22.00	BH \$24.00 BA \$22.00	BH \$24.00 BA \$22.00
Weekday Senior-9 Hole	\$16.00	BH \$18.00 BA \$16.00	BH \$18.00 BA \$16.00
Weekday Senior-After 3:30pm	\$16.00	BH \$18.00 BA \$16.00	BH \$18.00 BA \$16.00
Weekday Youth	\$16.00	BH \$18.00 BA \$16.00	BH \$18.00 BA \$16.00
Weekday Youth-After 3:30pm	\$13.00	BH \$15.00 BA \$13.00	BH \$15.00 BA \$13.00
Weekday-After 6:00pm (June, July, August)	\$14.00	\$16.00	---

Weekday Associate/Corporate Greens Fees			
Service:	2010 Fee	2011 Fee:	2012 Fee:
Associate Weekday	\$38.00	\$40.00	\$42.00
Associate Weekday – After 3:30pm	\$25.00	\$27.00	\$27.00
Associate-After 6pm (June, July, August)	\$20.00	\$22.00	\$22.00
Corporate Weekday	\$42.00	\$44.00	\$44.00
Corporate Weekday – After 3:30pm	\$27.00	\$29.00	\$29.00
Corporate-After 6pm (June, July, August)	\$23.00	\$25.00	\$25.00

Weekend Resident Greens Fees			
Service:	2010 Fee	2011 Fee:	2012 Fee:
Weekend Resident	\$32.00	\$34.00	<i>\$35.00</i>
Weekend Resident-After 3:30pm	\$22.00	\$24.00	\$24.00
Weekend Senior-After 3:30pm	\$20.00	\$22.00	\$22.00
Weekend Youth-After 3:30pm	\$17.00	\$19.00	\$19.00

Weekend Associate/Corporate Greens Fees			
Service:	2010 Fee	2011 Fee:	2012 Fee:
Associate Weekend	\$44.00	\$46.00	\$47.00
Associate Weekend – After 3:30pm	\$29.00	\$31.00	\$31.00
Corporate Weekend	\$50.00	\$52.00	\$52.00
Corporate Weekend – After 3:30pm	\$32.00	\$34.00	\$34.00
Seasonal Associate Alternate	\$27.00	\$29.00	<i>\$20.00</i>
Seasonal Corporate Alternate	\$30.00	\$32.00	<i>\$18.00</i>

Non-Resident Greens Fees			
Service:	2010 Fee	2011 Fee:	2012 Fee:
Weekday Non-Resident	\$46.00	\$48.00	BH \$48.00 BA \$46.00
Weekday Non-Resident – After 3:30pm	\$29.00	\$31.00	BH \$31.00 BA \$29.00
Non-Resident – After 6pm (June, July, August)	\$24.00	\$26.00	BH \$26.00 BA \$24.00
Weekend Non-Resident	\$55.00	\$57.00	BH \$57.00 BA \$55.00
Weekend Non-Resident – After 3:30pm	\$34.00	\$36.00	BH \$36.00 BA \$34.00
Seasonal Non-Resident	\$32.00	\$34.00	BH \$30.00 BA \$32.00

Outing/Tournament Fees			
Service:	2010 Fee	2011 Fee:	2012 Fee:
Green Fee & Cart	\$60.00	\$60.00	18 Hole SG min 100 ppl. - \$60.00
			18 Hole SG min 100 ppl. - \$70.00
			Consecutive Start - \$60.00

Golf Cart Rental Rates			
Service:	2010 Fee	2011 Fee:	2012 Fee:
18 Hole Cart	\$33.22	\$35.89	<i>\$36.91</i>
9 Hole Cart	\$16.61	\$17.40	<i>\$18.46</i>
Single 9 Hole Cart Rate	\$8.30	\$9.78	<i>\$10.15</i>
Senior Cart	\$27.68	\$29.36	<i>\$29.53</i>
Senior 9 Hole Cart	\$13.84	\$14.14	<i>\$14.77</i>
Senior Single 9-Hole Cart	\$7.38	\$8.70	<i>\$7.39</i>

Winter Rates			
No Earlier Than 10/23 – No Later Than 4/1			
Service:	2010 Fee	2011 Fee:	2012 Fee:
Residents	\$22.00	\$23.00	\$23.00
Senior Residents	\$16.00	\$17.00	\$17.00
BA Senior Resident 9 Hole	---	---	\$15.00
Associates	\$34.00	\$35.00	\$35.00
Corporate	\$37.00	\$38.00	\$38.00
Non-Residents	\$39.00	\$40.00	\$40.00

Golf Course Staff Rates			
Service:	2010 Fee:	2011 Fee:	2012 Fee:
Mon. – Thu.	\$0.00	\$10.00	\$10.00
Mon. – Thu. Twilight	\$5.00	\$5.00	\$5.00
Friday	\$11.00	\$11.00	\$11.00
Sat. – Sun.	\$15.00	\$16.00	\$16.00
Sat. – Sun. Twilight	\$5.00	\$6.00	\$6.00

Resident Seasonal Rates:			
Service:	2010 Fee:	2011 Fee:	2012 Fee:
Seasonal Program:	\$35.00	\$37.00	<i>\$38.00</i>

<i>Weekday Mid-Day Rates:</i>			
<i>Service:</i>	<i>2010 Fee:</i>	<i>2011 Fee:</i>	<i>2012 Fee:</i>
<i>Resident Mid Day</i>	---	---	<i>\$25.00</i>
<i>Associate Mid Day</i>	---	---	<i>\$33.00</i>

Ayes: Councilmen Troy, Diviny, Morr, Valentine
 Supervisor Stewart
 Noes: None

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RESOLUTION NO. 42

**ASSIGN LEASE/VETERANS PARK
 CONCESSION AND BATTING CAGE
 CHASING 28 LLC**

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

RESOLVED that upon the recommendation of the Superintendent of Parks-Rec & Building Maintenance and the Town Attorney’s Office, the Town of Orangetown (“the Town”) hereby consents to Veterans Park Batting & Food Corp.’s (“the Assignor”) assignment of its License Agreement, between the Town and the Assignor, dated 06/11/2010, regarding the operation of the batting cages, and to the Assignor’s assignment of its License Agreement, between the Town and the Assignor, dated January 2010, regarding the operation of the food concession (i.e., “snack shack”), both facilities located at Veterans Memorial Park, to Chasing 28 LLC (“the Assignee”), upon the following conditions:

1. the batting cages License Agreement (dated 06/11/2010) shall be amended so as to contain the same (or similar) remedies of the Town as are prescribed in the snack shack License Agreement (dated January 2010) if the Licensee should default or breach the batting cages License Agreement;
2. security deposits shall be established for both License Agreements, in the amounts of \$20,000 for the batting cages License Agreement (dated 06/11/2010) and \$6,000 for the snack shack License Agreement (dated January 2010); and

The Supervisor is hereby authorized and directed to execute all necessary legal papers, including, but not necessarily limited to, an Assignment and Assumption of License Agreement (one for each License Agreement), which legal papers shall be in substance and form satisfactory to the Town Attorney, and which shall also be executed by both the Assignor and the Assignee.

Ayes: Councilmen Diviny, Valentine, Troy, Morr
 Supervisor Stewart
 Noes: None

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RESOLUTION NO. 43

**CONSIDERATION/CDBG PROPOSAL
 HIGHWAY PROJECTS
 ARCHITECTURAL BARRIERS**

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

WHEREAS, the Town Board of the Town of Orangetown wishes to request that the Rockland County Office of Community Development consider the Highway Departments public facilities improvements for Community Development Block Grant Funding.

WHEREAS, the Town Board of the Town of Orangetown supports the Highway Department in their request for funding;

NOW, THEREFORE, be it

RESOLVED, that upon the recommendation of the Superintendent of Highways the Town Board hereby requests that the Rockland County Office of Community Development consider Community Development funding for the removal of architectural barriers on safety sidewalk routes along Western Highway, Orangeburg(between Orangeburg Road and Lowe Lane), Western Highway, Blauvelt (between Mountainview Avenue and North Troop Road),

Resolution No. 43 - Continued

Orangeburg Road, Orangeburg (north side, between Western Highway and Dutch Hill Road), Orangeburg Road, Orangeburg (south side, between Lester Drive and Dutch Hill Road), Convent Road, Blauvelt (between Derfuss Land and Van Wyck Road).

Ayes: Councilmen Troy, Diviny, Morr, Valentine
 Supervisor Stewart
 Noes: None

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RESOLUTION NO. 44

APPROVE FEES/CHAPTER 27/ROAD EXCAVATIONS/DRIVEWAYS/HEAVY HAULING/ROAD OPENINGS RESTORATION INSPECTIONS

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

WHEREAS, Town Code § 27-37 authorizes the Town Board to change by resolution the fees and other charges relating to road excavations, driveways and heavy hauling under Chapter 27 of the Town Code.

BE IT RESOLVED that upon the recommendation of the Superintendent of Highways, the permit fee under Town Code § 27-20 for road opening and restoration inspections (other than a Utility Company) shall be \$100.

BE IT FURTHER RESOLVED that upon the recommendation of the Superintendent of Highways, the permit fee under Town Code § 27-23 for road opening restoration deposits shall be as follows:

Shoulder to Shoulder openings	\$ 700.00
Shoulder to Centerline	\$ 500.00
Shoulder only openings	\$ 400.00
Shoulder and Paved sidewalk openings	\$ 400.00

plus for each of these projects \$15.00 per square feet of sidewalk impacted.

BE IT FURTHER RESOLVED that upon the recommendation of the Superintendent of Highways, the permit fee under Town Code § 27-44 for road opening permits for driveway connections for existing driveways shall be \$75.00.

BE IT FURTHER RESOLVED that upon the recommendation of the Superintendent of Highways, the Appendix to Chapter 27 of the Town Code should be amended to reflect these changes in permit fees.

Ayes: Councilmen Morr, Troy, Diviny, Valentine
 Supervisor Stewart
 Noes: None

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RESOLUTION NO. 45

AUTHORIZE/HOSTING APWA EQUIPMENT SHOW

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

RESOLVED, that upon the recommendation of Superintendent of Highways, the Highway Department is hereby authorized to host the American Public Works Association Annual Equipment Show on Wednesday, May 23, 2012, from 10:00 a.m. to 3:00 p.m. at the Highway Department Facility.

Ayes: Councilmen Morr, Troy, Diviny, Valentine
 Supervisor Stewart
 Noes: None

RESOLUTION NO. 46**2012 DELEGATE/ASSOCIATION OF TOWNS**

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

RESOLVED, that Supervisor Andrew Stewart is hereby designated Delegate to the Association of Towns Meeting February 19-22, 2012 with Robert Simon as the alternate delegate to represent and vote on behalf of the Town of Orangetown.

Ayes: Councilmen Valentine, Diviny, Troy, Morr
Supervisor Stewart
Noes: None

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RESOLUTION NO. 47**ACCEPT/RECEIVE/FILE TOWN BOARD MINUTES**

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

RESOLVED, that the January 3, 2012 Reorganizational Meeting minutes are hereby accepted, received, and filed in the Town Clerk's Office.

Ayes: Councilmen Troy, Diviny, Morr, Valentine
Supervisor Stewart
Noes: None

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RESOLUTION NO. 48**RECEIVE/FILE/DOCUMENTS TOWN CLERK'S OFFICE**

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

RESOLVED, that the following documents are received and filed in the Town Clerk's Office:

1. Declaration of Restrictive Covenant, dated 11/28/2011, with Kim Henderson, for property located at 37 Edward Street, Sparkill, NY (77.08-4-15). This covenant has been recorded at the Rockland County Clerk's Office as Instr. No. 2011-00041408.

Ayes: Councilmen Troy, Morr, Diviny, Valentine
Supervisor Stewart
Noes: None

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RESOLUTION NO. 49**AMEND 2012 BUDGET/OBZPAE CLERK-TYPIST POSITION**

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

RESOLVED, that upon the recommendation of the Director of OBZPAE and the Director of Finance, the 2012 Budget is hereby amended for a Clerk-Typist position, in the Office of Building, Zoning, Planning Administration and Enforcement, grade 2, annual salary \$33,458.00, effective January 25, 2012.

Ayes: Councilmen Troy, Diviny, Morr, Valentine
Supervisor Stewart
Noes: None

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RESOLUTION NO. 50**REAPPOINT TOWN ATTORNEY
JOHN EDWARDS**

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

RESOLVED, that John Edwards is hereby re-appointed Town Attorney, for a two-year term, effective January 1, 2012.

Ayes: Councilmen Troy, Morr, Diviny, Valentine
Supervisor Stewart
Noes: None

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RESOLUTION NO. 51**REAPPOINT/FIRST DEPUTY TOWN
ATTORNEY/TERESA KENNY**

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

RESOLVED, that Teresa Kenny is hereby re-appointed First Deputy Town Attorney, for a two-year term, effective January 1, 2012.

Ayes: Councilmen Valentine, Diviny, Troy, Morr
Supervisor Stewart
Noes: None

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RESOLUTION NO. 52**ENTERED AUDIT**

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

RESOLVED, that the Town Board entered the Audit Meeting at 10:50 p.m.

Aye: Councilmen Diviny, Troy, Morr, Valentine
Supervisor Stewart
Noes: None

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RESOLUTION NO. 53**PAY VOUCHERS**

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

RESOLVED, that the Finance Office is hereby authorized to pay vouchers for the General Fund, Town Outside Village, Blue Hill, Broadacres, Highway, Sewer, Capital Projects, Risk Retention, and Special Parking Funds in the amount of \$1,111,442.09.

Ayes: Councilmen Diviny, Troy, Morr, Valentine
Supervisor Stewart
Noes: None

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RESOLUTION NO. 54**ENTER EXECUTIVE SESSION**

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

RESOLVED, that the Town Board entered Executive Session at 10:59 p.m.

Ayes: Councilmen Troy, Valentine, Diviny, Morr
Supervisor Stewart
Noes: None

Resolution Nos. 55 and 56 see Executive Session.

RESOLUTION NO. 57

**APPROVE/DISCIPLINARY MATTER
SETTLEMENT/EMPLOYEE NO. 2637**

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

RESOLVED, that the Town Board approves the settlement of an open disciplinary matter with regard to Employee No. 2637, according to the terms of the Rockland County Police Act.

Ayes: Councilmen Troy, Diviny, Morr, Valentine
Supervisor Stewart

Noes: None

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RESOLUTION NO. 58

ADJOURNMENT/MEMORY

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

RESOLVED, that the Town Board adjourned, in memory of Nancy Daly, Pearl River; and Kathleen Burden, Pearl River at 11:52 p.m.

Ayes: Councilmen Diviny, Troy, Morr, Valentine
Supervisor Stewart

Noes: None

Charlotte Madigan, Town Clerk