

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, APRIL 9, 2013**

This Town Board Meeting was opened at 7:40 p.m. Supervisor Stewart presided and the Town Clerk called the Roll. Present were:

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

Also present: Charlotte Madigan, Town Clerk
Rose Maiorano, Deputy Clerk
John Edwards, Town Attorney
Teresa Kenny, First Deputy Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Robert Simon, Receiver of Taxes
Bert Von Wurmb, Building Inspector
Joseph Moran, Commissioner of DEME
Aric Gorton, Superintendent of Parks-Rec.

The Pledge of Allegiance to the Flag was led by Charlotte Madigan.

Announcements – Town Clerk’s Office:

The DEC invites Hunter's Input on the 2013 Fall Waterfowl Seasons; submit input to any member of the task force at (www.dec.ny.gov/outdoor/42364.html). They are also looking for input on hunting seasons for other migratory game birds; submit your input to any member of DEC's season-setting team at (www.dec.ny.gov/outdoor/42364.html#Team).

Trout and Salmon Fishing Opening Day - April 1st.

Summary of Public Comments:

Mike Mandel, Pearl River, asked what are the savings from Siemans. He is in favor of the advertising for Blue Hill Golf course.

Eileen Larkin, Palisades, spoke about cultural events and that an area of RPC should be considered for these events.

Tony Marra, Orangeburg, asked if the roads around William O’Schaefer School are going to be repaved. He requested that a fallen tree that is leaning precariously, after Hurricane Sandy, be completely knocked down.

RESOLUTION NO. 157

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

Ayes: Councilmen Diviny, Valentine, Morr
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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RESOLUTION NO. 158

**ENTER EXECUTIVE SESSION
EASEMENT / 155 CORPORATE DR**

In attendance, at this Executive Session, were Supervisor Stewart, Councilmen Diviny, Morr and Valentine, Charlotte Madigan, John Edwards, Teresa Kenny, Rob Magrino, Jeff Bencik, Joe Moran and Aric Gorton.

Resolution No. 158 - Continued

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

RESOLVED, that the Town Board entered Executive Session to discuss an easement, at 7:52 p.m.

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

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RESOLUTION NO. 159**RE-ENTERED RTBM**

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

RESOLVED, that the Town Board re-entered the Regular Town Board Meeting, at 8:25 p.m.

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

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RESOLUTION NO. 160**NOBLE NINTH, INC. / MASONIC PARK
2013 SUMMER CAMP /AGREEMENT**

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

RESOLVED, that upon the recommendation of the Superintendent of Parks-Rec., the Town Supervisor is authorized to sign The Letter of Extension Agreement, with the Noble Ninth, Inc., dated March 14, 2013, for use of the Noble Ninth's picnic grounds, for the Town of Orangetown's 2013 Summer Day Camp Program, from July 1, 2013 through August 19, 2013, daily, Monday through Friday, from 7:45 AM through 5:15 PM, under the same terms and conditions as set forth in a certain agreement entered into between the Town of Orangetown and the German Masonic Home Corporation dated May 18, 1991, which is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 161**HIGHWAY / OPEN HOUSE**

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

RESOLVED, upon the recommendation of the Superintendent of Highways, the Highway Department is hereby authorized to host their 17th Annual Open House on Saturday, May 18, 2013, from 10:00 AM to 12 noon at the Highway Department Facility.

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

RESOLUTION NO. 162

COMBINE AGENDA ITEMS

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

RESOLVED, that agenda items 3 thru 5 are hereby combined.

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

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RESOLUTION NO. 163

**AID/STS. CONSTANTINE AND HELEN
GREEK ORTHODOX CHURCH
GREEK FESTIVAL**

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

RESOLVED, that upon the recommendation of the Superintendent of Highways, aid to Saints Constantine and Helen Greek Orthodox Church by providing; 60 cones, 30 barricades, 40 trash cans, 30 recycling kiosks, and directional signs, for their Greek Festival, June 6 - 9, 2013, is hereby approved.

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

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RESOLUTION NO. 164

**SHOWMOBILE / DOMINICAN COLLEGE
CARNIVAL AGAINST CANCER**

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

RESOLVED, that upon the recommendation of the Superintendent of Parks-Rec., the use of the showmobile, by Dominican College, for their Carnival Against Cancer, on Friday, April 26, 2013, at a rental cost of \$350.00 with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured, is hereby approved.

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

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RESOLUTION NO. 165

**AID / AUTISM AWARENESS / LIGHT IT
UP BLUE**

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

RESOLVED, that in recognition of Autism Awareness Month and community efforts to combat this illness, the request by Light It Up Blue Rockland, authorizing the Highway Department to paint a blue line on Central Avenue, Pearl River, for the month of April is hereby approved.

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

RESOLUTION NO. 166

**APPOINT/ BLAUVELT FIRE DEPT
FRANK J. LARUSSO**

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

RESOLVED, that upon the recommendation of the Blauvelt Fire Dept., Frank J. LaRusso is hereby appointed to the position of Probationary Firefighter, with the Blauvelt Volunteer Fire Company.

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

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RESOLUTION NO. 167

**RESIGNATION / GOLF ADVISORY
COMMITTEE / ANNE MARIE PETTUS**

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

RESOLVED, that on behalf of the Town Board, the Superintendent of Parks and Recreation and the Golf Advisory Committee, the resignation of Anne Marie Pettus, after many years of dedicated service, is hereby accepted with regret.

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

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RESOLUTION NO. 168

COMBINE AGENDA ITEMS

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

RESOLVED, that agenda items 9 threw 12 are hereby combined.

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

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RESOLUTION NO. 169

**BLAUVELT FREE LIBRARY
2013-2014 CONTRACT**

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

RESOLVED, that upon the recommendation of the Town Attorney, the Town Board hereby authorizes the Supervisor to execute a one (1) year contract, on behalf of the Town, as proposed and written, for SEVEN HUNDRED EIGHTY NINE THOUSAND EIGHTY-ONE AND 00/100 (\$789,081.00) DOLLARS, with the Blauvelt Free Library, to provide library services to residents of Blauvelt, as well as to the residents of the Sparkill area delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012, within the Town.

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

RESOLUTION NO. 170**ORANGEBURG LIBRARY
2013-2014 CONTRACT**

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

RESOLVED, that upon the recommendation of the Town Attorney, the Town Board hereby authorizes the Supervisor to execute a one (1) year contract, on behalf of the Town, as proposed and written, for FIVE HUNDRED FORTY TWO THOUSAND THREE HUNDRED FIFTY-FOUR AND 00/100 (\$542,354.00) DOLLARS, with the Orangeburg Library, to provide library services to residents of Orangeburg, as well as to the residents of the Sparkill area delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012, within the Town.

Ayes: Councilmen Diviny, Morr, Valentine
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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RESOLUTION NO. 171**PALISADES FREE LIBRARY
2013-2014 CONTRACT**

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

RESOLVED, that upon the recommendation of the Town Attorney, the Town Board hereby authorizes the Supervisor to execute a one (1) year contract, on behalf of the Town, as proposed and written, for FOUR HUNDRED FIFTEEN THOUSAND EIGHT HUNDRED SIXTY-NINE AND 00/100 (\$415,869.00) DOLLARS, with the Palisades Free Library, to provide library services to residents of Palisades, as well as to the residents of the Sparkill area delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012, within the Town.

Ayes: Councilmen Diviny, Morr, Valentine
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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RESOLUTION NO. 172**TAPPAN FREE LIBRARY
2013-2014 CONTRACT**

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

RESOLVED, that upon the recommendation of the Town Attorney, the Town Board hereby authorizes the Supervisor to execute a one (1) year contract, on behalf of the Town, as proposed and written, for SEVEN HUNDRED FIFTY THOUSAND SEVENTY-FIVE AND 00/100 (\$750,075.00) DOLLARS, with the Tappan Free Library, to provide library services to residents of Tappan, as well as to the residents of the Sparkill area delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012, within the Town.

Ayes: Councilmen Diviny, Morr, Valentine
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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RESOLUTION NO. 173**SANITARY SEWER EASEMENT/PEARL
RIVER SCHOOLS / 135 W CROOKED
HILL ROAD/68.11-2-41.1 & 41.3 REC/FILE**

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

Resolution No. 173 - Continued

RESOLVED, that upon recommendation of the Town Attorney's Office, the Department of Environmental Management and Engineering and the Superintendent of Highways, accept, receive and file the Sanitary Sewer Easement for the Pearl River School District (Former AIM Property) Sec. 68.11, Block 2, Lots 41.1 and 41.3, and authorize the Supervisor or his designee to execute all documents necessary to effectuate the acceptance of this easement, have same recorded with the Rockland County Clerk's Office and return for filing with the Town Clerk.

Ayes: Councilmen Morr, Diviny, Valentine
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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RESOLUTION NO. 174**APPROVE AMENDMENT/BLAUVELT
FIRE DEPT LOSAP AGREEMENT**

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

WHEREAS, in 1988, in order to help municipalities recruit and retain volunteer firefighters, New York State enacted Article 11-A of the General Municipal Law, authorizing the establishment of Length of Service Award Programs for the benefit of volunteer firefighters who annually meet certain point totals based on participation in department activities; and

WHEREAS, in 1990, the Blauvelt Fire Department, with voter approval, established the "Blauvelt Volunteer Fire Company, Inc. Length of Service Award Program" ("Blauvelt LOSAP"), providing for service benefits to its volunteer members in accordance with the terms of the approved Plan, which Plan was thereafter amended in 2004; and

WHEREAS, the Blauvelt LOSAP Plan, as amended, *fixes the entitlement age, i.e., the age at which Plan participants can begin to collect benefits, at 62 years of age, but prohibits those who reach entitlement age from continuing to accrue post-entitlement years of service, even if such members continue to achieve point totals, based on their continuing volunteer activities, that would otherwise entitle them to additional years of service credit but for the fact that they have reached entitlement age; and*

WHEREAS, while the Blauvelt LOSAP Plan restriction on the post-entitlement age accrual of further years of service was consistent with the provisions of General Municipal Law Article 11-A when the Plan was established, recent court decisions have held that such a restriction is a form of unlawful age discrimination; and

WHEREAS, the Blauvelt LOSAP Plan may only be amended by resolution of the Town Board of the Town of Orangetown; and

WHEREAS, the Town Board deems it to be in the best interests of the Town and the residents of the Blauvelt Fire Protection District (the area that receives its fire protection service from the Blauvelt Fire Department) *to amend the Plan to allow Plan participants who have reached entitlement age to earn additional years of service credit; and*

WHEREAS, GML § 216(3)(e) provides that, except in limited circumstances, a LOSAP Program, once established, may only be amended prospectively, and then only subject to referendum; and

WHEREAS, GML § 216(3)(e) cannot legally be reconciled with the case decisions regarding age discrimination, because a failed referendum on a change intended solely to correct a plan illegality would leave the Plan legally infirm, potentially exposing the Plan sponsor to damages; and

WHEREAS, it would be pointless to incur the expenses associated with a referendum of an issue that legally must be corrected; as a consequence, no referendum herein need be conducted;

Resolution No. 174 - Continued

NOW, BASED ON THE AFORESAID, BE IT RESOLVED, that upon the recommendation of the Town Attorney, the Town Board, by an affirmative vote of a least 60% of the Board, hereby *approves an amendment to the Blauvelt LOSAP Adoption Agreement and Plan authorizing and permitting any Plan Participant who reaches entitlement age to continue to earn additional years of service credit for any year in which he or she earns sufficient points for designated activities, thereby increasing his or her monthly LOSAP benefit; and*

BE IT FURTHER RESOLVED, that the Blauvelt LOSAP Plan Sponsor and/or Administrator shall *be authorized to credit all qualifying Plan Participants who already have reached entitlement age with the additional years of post-entitlement age service (if any) actually earned by reason of their department activities, and shall pay any such qualifying Plan Participant the additional Plan benefits to which such participants would have been entitled had the Plan restriction on post-entitlement age service credit not been a part of the Plan when adopted; and*

BE IT FURTHER RESOLVED, that all Plan Participants shall hereafter be permitted to earn and receive credit and benefits for post-entitlement age years of service for which they may qualify; and

BE IT FURTHER RESOLVED, that the estimated cost of the Plan amendment adopted hereby for the retrospective benefits shall be a one-time estimated payment of ONE HUNDRED SIXTY NINE THOUSAND FOUR DOLLARS and 00/00 (\$169,004.00) together with an increase in the annual administrative of approximately ONE THOUSAND DOLLARS (\$1,000.00) in year one only, to be paid by the Blauvelt Fire Department from its existing funds.

Ayes: Councilmen Diviny, Morr, Valentine
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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RESOLUTION NO. 175**RESCIND/RESOLUTION 481/2012
MILITARY LEAVE**

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

WHEREAS, on October 9, 2012, the Town Board passed Resolution No. 481 to clarify the Town's Military Leave Policy, and

WHEREAS, the Resolution appears to state that the policy only applies to Town employees who are *already* active members of the National Guard or in the reserves of one of the other branches of the military service, excluding those who join the National Guard or reserves of one of the other branches of the military while in the Town's employ, which was not the intent of the Town Board at the time it passed such Resolution; thus, be it

RESOLVED, that the Town Board hereby rescinds Resolution No. 481 in its entirety. This action in no way rescinds or otherwise impacts Resolutions No. 129 (RTBM of 02/09/04) and Resolution No. 291 (RTBM of 04/28/08) which sets forth the Town's Military Leave Policy.

Ayes: Councilmen Morr, Diviny, Valentine
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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RESOLUTION NO. 176**MODIFICATION/SANITARY SEWER
EASEMENT / DOMINICAN CONVENT OF
OUR LADY OF THE ROSARY / STAC**

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

WHEREAS, the Town Board previously accepted a Sanitary Sewer Easement from the Dominican Convent of Our Lady of the Rosary in Resolution 2011-666 and recorded in the Rockland County Clerk's Office as Instrument No. 2012-380 and

WHEREAS upon construction of the Sanitary Sewer line, it has become necessary to modify the "metes and bounds" description to accommodate the correct location of the Sanitary Sewer line as constructed and St. Thomas Aquinas College (STAC) as successor in interest to the Dominican Convent of Our Lady of the Rosary, has provided a modified "metes and bounds" description, which has been approved by the Department of Environmental Management and Engineering,

NOW THEREFORE BE IT RESOLVED, that upon the recommendation of the Town Attorney's Office, the Department of Environmental Management and Engineering, and the Superintendent of Highways, that the Town hereby accepts from St. Thomas Aquinas College (STAC), as successor in interest to the Dominican Convent of Our Lady of the Rosary, a Modification of Sanitary Sewer Line, Access and Maintenance Agreement, modifying the Sanitary Sewer Easement identified as Rockland County Clerk Instrument No. 2012-380, and authorizes the Town Supervisor or his designee to execute all documents necessary to effectuate the acceptance of the Modification of Easement, and upon receipt of the original recorded document from the Rockland County Clerk's Office, the original to be filed in the Town Clerk's Office.

Ayes: Councilmen Valentine, Diviny, Morr
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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RESOLUTION NO. 177**GRANT PERMISSION/APWA NORTH
AMERICAN SNOW CONFERENCE**

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

RESOLVED that upon the recommendation of the Superintendent of Highways, permission is hereby granted to Stephen Munno, Sr. Administrative Assistant and Anthony Limandri, Highway Maintenance Supervisor I, to attend the American Public Works Association 2013 North American Snow Conference, from April 7 -10, 2013, to be held in Charlotte, North Carolina, at a cost of \$490.00.

Ayes: Councilmen Morr, Diviny, Valentine
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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RESOLUTION NO. 178**AWARD BID/NON-HAZARDOUS ANTI-
CORROSIVE ODOR CONTROL
CHEMICALS AND SERVICES/ NRP GRP**

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

WHEREAS, the Commissioner of DEME, duly advertised for sealed bids for Non-Hazardous & Anti-Corrosive Odor Control Chemicals and Services, which were received and publicly opened on April 4, 2013; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet are labeled Exhibit 04-A-13, and made a part of these minutes.

Resolution No. 178 - Continued

NOW, THEREFORE, BE IT RESOLVED that upon the recommendation of the Commissioner of DEME, this bid is hereby awarded to NRP Group, Inc., the lowest qualified bidder, in the amount of \$163,215.00 to be charged to Account No. G8130004/50449.

Ayes: Councilmen Diviny, Morr, Valentine
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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RESOLUTION NO. 179**APPOINT/ASSISTANT OPERATOR
GRADE 2 (WASTEWATER) MARK
HOVSEPIAN**

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

RESOLVED, that upon the recommendation of Rockland County Personnel and the Commissioner of DEME, Mark Hovsepian, presently Assistant Operator Grade 2 Trainee (Wastewater), is hereby appointed to Assistant Operator Grade 2 (Wastewater) at an annual salary \$79,671.00, Grade 14, Step 14/18. This permanent appointment shall be subject to satisfactory completion of the required probationary period.

Ayes: Councilmen Valentine, Diviny, Morr
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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RESOLUTION NO. 180**AWARD BID / ROOFTOP CHILLER
JOHNSON CONTROLS**

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

WHEREAS, the Superintendent of Parks-Rec & Building Maint., duly advertised for sealed bids for the removal and installation of a rooftop chiller, which were received and publicly opened on March 25, 2013; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet are labeled Exhibit 04-B-13, and made a part of these minutes.

NOW, THEREFORE, BE IT RESOLVED, that upon the recommendation of the Superintendent of Parks & Recreation, the bid to provide a replacement of a rooftop chiller unit for Town Hall (north side), is hereby awarded to Johnson Controls, the lowest qualified bidder, at a total cost of \$70,253.00.

Ayes: Councilmen Valentine, Diviny, Morr
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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RESOLUTION NO. 181**SURPLUS/TOWN SOLAR VEHICLE
TAPPAN ZEE HIGH SCHOOL**

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

WHEREAS, the Town presently owns three (3) GEM solar powered cars which, for several years now, have been inoperable due to dead batteries and faulty chargers; and

WHEREAS, the Superintendent of Parks, Recreation & Buildings has determined that the vehicles have no appreciable value to the Town and are no longer needed, because the cost of repair, which has not been budgeted, would largely exceed their value; and

Resolution No. 181 - Continued

WHEREAS, students at the Tappan Zee High School, who, with faculty support, have organized a Solar Car Club to help foster an understanding and appreciation of the benefits of alternative energy sources, including solar power, have requested that the Town donate one of the Town’s GEM cars to be used for spare parts for the solar car they are developing; and

WHEREAS, the Town Board believes that donating the inoperable and no longer useful or needed vehicle to Tappan Zee High School for the educational benefit of the students thereat - all of whom are residents of the Town of Orangetown - will provide the best value to the Town,

NOW, THEREFORE, BE IT RESOLVED, that the Superintendent of Parks, Recreation & Buildings is hereby authorized to surplus and donate one inoperable GEM car to Tappan Zee High School for use by its Solar Car Club.

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

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RESOLUTION NO. 182

**GRANT PERMISSION/GFOA
 CONFERENCE / FINANCE**

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

RESOLVED that upon the recommendation of the Finance Director, permission is hereby granted to Ann Maestri, Janice Ganley and Natalie Schutter, to attend the GFOA conference in Albany, NY, from April 10-12, at a cost of \$1,215.00 for the conference and \$828.00 for lodging, for a total cost of \$2,043.00.

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

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RESOLUTION NO. 183

**MEMORIALIZING RESOLUTION
 NYS PAROLE BOARD / RICHARD
 LABARBERA & ROBERT MCCAIN
 MURDERED PAULA BOHOVESKY**

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

WHEREAS, the Town of Orangetown wishes to express its continuing condolences to, and support for, the family of Paula Bohovesky, who was brutally raped and murdered thirty-three years ago as Paula’s family asks the New York State Parole Board not to release her killers; and

WHEREAS, in 1980, Paula Bohovesky was a talented artist, an aspiring actress and a well-regarded member of the Junior class at Pearl River High School; and

WHEREAS, tragically, this young woman, burgeon with energy and a zest for life, was tragically and senselessly murdered just two blocks from her home; and

WHEREAS, the two young men who committed this heinous crime after a day spent drinking in a local bar received the maximum penalty for murder then allowed in New York State, twenty-five years to life in prison; and

WHEREAS, these men are now seeking parole and release from prison, having served the minimum sentence – twenty-five years; and

Resolution No. 183 - Continued

WHEREAS, Paula's family and friends, as well as those living in Orangetown at the time, can still recall the horror of that day; and

WHEREAS, Paula's mother, Lois Bohovesky, must now relive that day as she fights to keep Paula's killers in jail by asking the Parole Board not to authorize the men's release, a task that she will have to often undertake because State Law allows inmates seeking parole to reapply every two years; and

WHEREAS, the Town Board of Orangetown has met, considered and by a unanimous vote approved this resolution; now therefore be it

RESOLVED, that the Town Board of Orangetown wishes to express its continuing condolences to and support for the family of Paula Bohovesky, who was brutally raped and murdered thirty-three years ago as Paula's family asks the New York State Parole Board not to release her killers; and be further

RESOLVED, the Town is hereby authorized and directed to send a certified copy of this resolution to Ms. Lois Bohovesky; and to such other persons proper in order to effectuate the purpose of this resolution.

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

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RESOLUTION NO. 184**ACCEPT/RECEIVE/FILE/TOWN
BOARD MINUTES**

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

RESOLVED, that the February 26, 2013 Regular Town Board Meeting/Audit/Meeting and Executive Session minutes; and the March 5, 2013 Executive Session minutes are hereby accepted, received, and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 185**RECEIVE/FILE/DOCUMENTS TOWN
CLERK'S OFFICE**

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

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

- 1) Pearl River Fire District Annual Financial Report & Budget Report for General Fund for Fiscal Year Ended 12/31/2012.
- 2) Agreement – County of Rockland for SHSP Overtime/Backfill (dated 3/20/2013).
- 3) Memorandum of Understanding – South Orangetown Central School District, facilities use in the event a State of Local Emergency is declared.
- 4) License Agreement Amendment – Pro Shop at Blue Hill Golf Course (dated 2/1/2013).
- 5) DEME – SPDES NY-February 2013 Monthly Report.

Resolution No. 185 - Continued

- 6) 155 Corporate Drive, LLC, 40' Wide Access Easement for part of 40 Corporate Drive, Orangeburg and Title Insurance Policy (Rockland Cty Instr No. 2013-11796).

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

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RESOLUTION NO. 186

TRANSFER / GENERAL FUND /BLUE HILL-BROADACRES ADVERTISING

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

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation and the Orangetown Golf Advisory Committee, transfer \$12,000.00 from the General Fund to Account #: E.7250.407, Blue Hill Advertising, for the renewal of the agreement with Cablevision, for television advertising of Blue Hill Golf Course and Broadacres Golf Club.

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

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RESOLUTION NO. 187

POLICE/NOMINATE MICHAEL E. WARREN/POLICE OFFICER

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

RESOLVED, that upon the recommendation of the Police Chief, Michael E. Warren, from Civil Service list # (OC) 08200, dated March 7, 2013, is hereby nominated to the position of "Police Officer", pending completion of the Rockland County Department of Personnel certification process and a satisfactory background investigation.

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

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RESOLUTION NO. 188

POLICE DISCIPLINARY SETTLEMENT EMPLOYEE NO. 1083

Under new business, Supervisor Stewart offered the following resolution, which was seconded by Councilman Morr and was unanimously adopted:

RESOLVED, that the Town Board approves the settlement of an open disciplinary matter with regard to Employee No. 1083, according to the terms of the Rockland County Police Act.

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

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RESOLUTION NO. 189

MEMORIALIZING RESOLUTION COLUMBIA UNIVERSITY/KATHY BOUDIN

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

Resolution No. 189 - Continued

WHEREAS, Kathy Boudin was a member of the radical terrorist organization known as the Weather Underground; and

WHEREAS, the Weather Underground was responsible for the bombings of the Pentagon and the US Capitol; and

WHEREAS, in 1981, Kathy Boudin, together with other members of the Weather Underground robbed a Brinks armored car at the Nanuet Mall; and

WHEREAS, Nyack Police Department, Sgt. Edward O'Grady and Police Officer, Waverly Brown and Brink's, security guard, Peter Paige were killed during this robbery; and

WHEREAS, Kathy Boudin was sentenced to 20 years to life for her part in this crime after entering a plea of guilty, including one count of murder; and

WHEREAS, Kathy Boudin was paroled from prison in 2003; and

WHEREAS, Columbia University has hired Kathy Boudin as an Adjunct Professor at the School of Social Work; and

WHEREAS, Columbia University has a large presence in the Town of Orangetown through its' operation of the Lamont-Doherty Earth Observatory; and

WHEREAS, Columbia University avails itself to the Orangetown Police Department, who took over police operations for the Nyack Police Department, for policing and safety issues, and

WHEREAS, as a member of the Orangetown community, Columbia University should strive to be a good neighbor and be respectful to community sensitivities, such as the impact the Brink's robbery and Kathy Boudin had on the victims' families and the Orangetown community as a whole; and

WHEREAS, the members of the Town Board believe that they have a responsibility to honor the memories and heroic actions of Nyack Police Department, Sgt. Edward O'Grady, Police Officer, Waverly Brown and Brink's security guard, Peter Paige, as well as a responsibility to their families; and

WHEREAS, the Town Board of Orangetown has met, considered and by a unanimous vote approved this resolution; Now, Therefore Be It,

RESOLVED, that the Orangetown Town Board hereby condemns Columbia University for its irresponsible and insensitive decision to employ Kathy Boudin as an Adjunct Professor and the Town Board requests that Columbia University sever all ties with Kathy Boudin and offer a written apology to the victims' families and the Orangetown community; and

BE IT FURTHER RESOLVED, the Town is hereby authorized and directed to send a certified copy of this resolution to the families of Nyack Police Department, Sgt. Edward O'Grady, Police Officer Waverly Brown and Brink's security guard Peter Paige; and to such other person proper in order to effectuate the purpose of this resolution.

Ayes: Councilmen Diviny, Valentine, Morr
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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RESOLUTION NO. 190**PAY VOUCHERS**

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

Resolution No. 190 - Continued

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 \$1,444,693.59.

Ayes: Councilmen Diviny, Morr, Valentine
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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RESOLUTION NO. 191**RE-ENTERED EXECUTIVE SESSION
EASEMENT/LABOR CONTRACTS**

In attendance, at this Executive Session, were Supervisor Stewart, Councilmen Diviny, Morr and Valentine, John Edwards, Teresa Kenny, Rob Magrino, Charlotte Madigan, Jeff Bencik, Joe Moran and Aric Gorton.

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

RESOLVED, that the Town Board entered Executive Session to discuss an easement and labor contracts, at 8:50 p.m.

Ayes: Councilmen Diviny, Morr, Valentine
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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RESOLUTION NO. 192**RE-ENTERED RTBM**

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

RESOLVED, that the Town Board re-entered the Regular Town Board Meeting, at 9:20 p.m.

Ayes: Councilmen Diviny, Morr, Valentine
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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RESOLUTION NO. 193**EASEMENT/ 155 CORPORATE DRIVE
ORANGEBURG / SUBJECT TO
PERMISSIVE REFERENDUM**

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

RESOLVED, that the Town Board hereby approves the granting of a permanent easement for the installation and maintenance of telecommunications facilities, in the form annexed, on, over and under Town owned property located between Hunt Road and Corporate Drive (a portion of Tax Lot Section 73.15, Block 1, Lot 17 on the Official Tax Map of the Town of Orangetown) in favor of premises located at 155 Corporate Drive, Orangeburg, New York (Tax Map designations 73.15-1-18 and 73.19-1-1). The consideration to be paid for the said easement is \$100,000, and other contingent sums as set forth in the easement document. The easement will facilitate the development of the premises at 155 Corporate Drive as a Data Center.

This resolution is subject to permissive referendum.

Ayes: Councilmen Valentine, Diviny, Morr
Supervisor Stewart

Noes: None

Absent: Councilman Troy

RESOLUTION NO. 194

ADJOURNMENT/MEMORY

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

RESOLVED, that the Town Board adjourned, in memory of Sheila Burke, Pearl River; MaryEllen Joyce, Pearl River; John (Sean) O'Grady, Nanuet; Margaret O'Brien, Pearl River; Bernadette Duffy, Pearl River; Kieran Joseph Hanrahan, Sparkill; James Fitzmaurice, Pearl River and Rev. James J. Williams, St Charles AME Zion Church, at 9:33 p.m.

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

Charlotte Madigan, Town Clerk