

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, APRIL 12, 2011**

This Town Board Meeting was opened at 7:35 p.m. Supervisor Whalen presided and the Town Clerk called the Roll. Present were:

Councilman Denis Troy
Councilwoman Nancy Low-Hogan
Councilman Michael Maturo
Councilman Thomas Diviny

Also present: Charlotte Madigan, Town Clerk
John Edwards, Town Attorney
Teresa Kenny, First Deputy Town Attorney
Robert Magrino, Deputy Town Attorney
Barbara Gionta, Deputy Town Attorney
Dennis Michaels, Deputy Town Attorney
AnnMarie Hahr, Executive Assistant to the Supervisor
Charles Richardson, Director of Finance
Mike Yannazzone, Highway General Forman
Scott Burton, Director of Environmental Management & Engineering
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks-Rec & Building Maint.
Paul Kelly, Supervisor of Parking Enforcement

Esta Baitler led the Pledge of Allegiance to the Flag.

Supervisor Whalen announced, April is Autism and National Poetry month.

Summary of Public Comments (RTBM):

Rose Marie Raccioppi, Tappan, read and presented her poem "Words words" in recognition of poetry month.

Anne Putko, Piermont, spoke about unregulated use of leaf blowers and how they impact the quality of life, health, and property values. She requested an ordinance to reduce the use of leaf blowers.

Andrew Wiley, Pearl River, discussed the Tax Certiorari Settlements and the Change Order for the Blue Hill Golf Course Clubhouse renovations. He questioned the appointments in Justice and Finance and the contract with Tyler Technologies.

Laura Neuendorf, Blauvelt, asked for the status of paid monies allocated to be used as PEG grants from Cablevision and Verizon franchise agreement.

Eileen Larkin, Palisades, is concerned about the loss of revenues from Tax Certiorari settlements. She suggested asking Sen. David Carlucci and Albany for help with relief on gas prices. Is any action being taken from the Police study?

Peggy Kurtz, Environmental Committee, asked the Board to adopt the New York State Climate Smart Communities Pledge. The Climate Smart Communities program is a free program of the DEC, a partnership of New York State and local governments to combat climate change.

John Edwards, Town Attorney, said the Town has not received \$300,000 in paid PEG grants funds as of yet. Cablevision and Verizon have committed to \$150,000 each over a period of years. The monies are committed by the franchisees to the Town not to the South Orangetown School District because the Town allows its right of ways to be used for purpose of the two franchises' services. The Town will spend the money appropriately, in the timeframe that the Town Board determines is appropriate. There is no time limit for the expenditure of the funds. There are provisions in each of the agreements, which address how and to what end and on what matters the monies maybe expended. There are limitations on the expenditures and the money is being held in a separate account and will be expended by the Town in due course for the purposes set forth in the agreement. Several years ago, there were discussions between the South Orangetown School District and the Town, under Supervisor Kleiner, with a view of Tappan Zee High School installing a TV studio. Those were preliminary discussions. There was no amount of money committed to that purpose. Supervisor Whalen has not committed any specific amounts for that purpose. I spoke to Supervisor Kleiner and Suzanne Barclay and they never

committed any specific amount for that purpose. He confirmed, in meetings that he was present, there was no amount committed. Initially, the school district came to the Town and they had a proposed budget for the studio of approximately \$500,000 for equipment. The Town reviewed that equipment list with professionals in the television industry, who said they would like it if their studios had that equipment. It is extravagant at best. At that point in time that was the equipment list. Superintendent Zambito knew that the Town wasn't receiving \$500,000. It was clear that the school district was going to contribute money. They also said they would contribute certain in kind services (in a written document from the school district). They valued those in kind services for the renovations to the Tappan Zee High School at \$18,000. So, we had equipment value at \$500,000 and \$18,000 in renovations. Over a period of time, at the request of the Town or suggestion of the Town, the equipment was to be scaled down. The last equipment list that we received from the school district was for approximately \$176,000. For whatever reasons, there was some delay, but more recently it has been resurrected. In about November of this year, the South Orangetown School District sent over a proposed Inter-Municipal Agreement and that proposed agreement, like many others that have been generated by the school district, essentially had the Town fund the studio. Of course, the Town would have access to the studio because that was part of the agreement. Town access, of course, would be at the discretion of the school district, because under the Education Law, the school can not allow its facilities to be used when they are being used by the school district. So, the Town would essentially play second fiddle to the school district in access to the studio, which is not something that could not be worked out. We are confident that the Town and the school district could have worked together to provide appropriate access to everyone. What the agreement provided was a sum from the Town to the school district, of exactly to the penny, the amount of the equipment that was being purchased. In a meeting approximately four weeks ago, myself, Supervisor Whalen and three representatives of the school district, the Superintendent, Ann Vaccaro-Teich and their attorney, sat down to review the proposed agreement. We asked the school district, what is the budget for the studio, because certainly the Town Board is entitled to know, when evoking the expenditure of Town funds, how much is being expended. What percentage of the amount of budget is being expended by the Town, what percentage is being expended by the school district, because remember, several years ago when the studio was first raised, each party was going to share in the cost. Now, at the outset of that meeting, we were told that the school district needed a decision, from the Town in the amount that was going to be given. They expected the amount that they say had been committed, but it never had been committed. They needed to know that amount and a deadline, of April 6th or 7th, whatever the date was that was to be a public hearing on the school budget. Approximate three weeks before that deadline, we made the rational assumption that they had a budget and that they could answer the question, What percentage is the school paying – What is the Town funding? They told us, they did not have that answer. Shortly, thereafter there was announcement in the paper, the school budget, the tentative budget, had been proposed, it included, I think, and a reduction in spending. It said that there would be no new programs being funded in the budget. If there are no new programs being funded in the budget, how much was the school committing to the studio that the school wanted to have? In these hard economic times, we said to the school district, lets be reasonable, what is the budget, what percentage is the Town going to shoulder, what percentage is the school district going to shoulder and get back us before your budget hearing, if you want an answer on how much the Town will fund. Get back to the Town so that these folks up here can make a rational decision whether to fund and what percentage to fund. Today is April 12th, six or seven days after that hearing and after the announcement in the newspaper, we have not been provided with that answer. We were told, in part in that meeting, we have to work through this, we have to figure this out, we will get back to you, but you have to take into consideration that there are in kind services, and in kind improvements being made. Well, we know that, we know the value of those in kind improvements that are being made because they were valued several years ago, when the budget was given to us. The equipment is \$176,000 and change. The Town is being asked to fund 100% of the value of the cost of the equipment for the studio at the school district. They could have told us that when we met three weeks before the budget hearing. They could have told us that at any point in time before the budget hearing. They did not do so. They did not want to tell the Town that the Town was being asked to pay 100% of the cost of the equipment. Again, I am sorry if I am somewhat skeptical and I do not mean to speak to the board, but we had this experience in the past with the pool, where the school made improvements to the pool for \$4 million. They sent the Town a voucher for \$2 million because they said we were responsible for 50%. What they failed to tell us at the time, they sent that voucher, was that they had \$2 million in grants and that it was going to cost the school district zero but cost the Town \$2 million. So, when they come now to the Town and

they want to know how the PEG monies are going to be expended and they say the equipment cost \$176,000 and we do not know yet what the budget for the school district is... I am being as very impartial as the circumstances allow. This should be broadcast. When you look back in the past, the school district took advantage of the Town Board on the pool. So, when they come with hat in hand looking for money, certain questions have to be asked and certain questions should be answered. Those questions have not been answered. Now, I tell you open and candid, the board has said, we told the school district in the meeting that the studio was a good expenditure. Whether it is a good expenditure, of that much money, in these economic times, when people are being laid-off, and when positions are not being filled, when employees are being asked to accept no raises and other budget cuts whether it is appropriate at this point in time to expend money in this fashion that is a judgment that this board will make. This board must make that decision aware of the facts. They were not given the facts, which is why no commitment to any dollar amount was made. Now, we said at that meeting, and the reason I am speaking like this, fair and impartially, and if not fair and impartially, let me tell you, I am speaking accurately, is because the statement was made that this board would have to explain to the community why it was not honoring its commitment. So, let me tell the community: 1) There was never a commitment; 2) They have not dishonored anything; 3) They simply asked for the facts. They asked for information that would allow a reasonable board to make approval judgment regarding expenditure of public funds. That is what they did. I suggest you ask the Superintendent and those at the school district for that information. When that information comes back to the Town Board, the Town Board will make an informed decision on how and whether to expend what amount of money that constitutes Town funds.

RESOLUTION NO. 229**CLOSE PUBLIC COMMENTS**

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

RESOLVED, that the public portion is hereby closed.

Ayes: Councilpersons Low-Hogan, Diviny, Troy, Maturo
Supervisor Whalen
Noes: None

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RESOLUTION NO. 230**OPEN PH/REPEAL AND
REPLACE/TOWN CODE CHAPTER 24
PARKING LOTS, MUNICIPAL**

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

RESOLVED, that the 8:00 p.m. public hearing to repeal and replace Chapter 24 – Parking Lots, Municipal, Article I and Article II, of the Town Code is hereby opened.

Ayes: Councilpersons Low-Hogan, Diviny, Troy, Maturo
Supervisor Whalen
Noes: None

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Charlotte Madigan, Town Clerk presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 04-A-11 and made a part of these minutes.

Robert Magrino, Deputy Town Attorney, explained this local law provides, in addition to the commuter parking, overnight parking and merchant parking permits, twenty-four/seven permits, which would permit people to purchase a parking permit from the Town Clerk to park in designated spots in Town on a twenty-four/seven basis. They would not be their own personal spot; they would be numbered spots available for holders of these permits. People who can purchase these are residents or businesses located in that downtown Pearl River area (which is defined in the law). Commuter parking is open to any resident of Orangetown and then to residents of Rockland County.

Paul Kelly, Supervisor of Parking Enforcement, said it would be a good idea to raise the fines slightly but the current tickets are printed with the fines.

Mike Yannazzone, Highway General Forman, said currently there are 154 spaces in the three lots. The Superintendent has designated, at this time for the board's review, 21 spaces in Lot 1 for twenty-four/seven parking and 11 spaces for Merchant parking; in Lot 2, 16 spaces for overnight parking; Lot 3 be left alone.

Public Comments:

Andrew Wiley, Pearl River, questioned the costs for maintaining overnight spaces, setup of the parking district and the use of money to improve downtown Pearl River.

RESOLUTION NO. 231

**CONTINUE PH/REPEAL AND
REPLACE/TOWN CODE CHAPTER 24 –
PARKING LOTS, MUNICIPAL**

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

RESOLVED, that the public hearing to repeal and replace Chapter 24 – Parking Lots, Municipal, Article I and Article II, of the Town Code will continue on May 10, 2011.

Ayes: Councilpersons Diviny, Troy, Low-Hogan, Maturo
Supervisor Whalen

Noes: None

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RESOLUTION NO. 232

**OPEN PH/AMEND TOWN CODE
CHAPTER 26 – PARKING METERS
SECTION 26-15**

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

RESOLVED, that the 8:05 p.m. public hearing to amend Chapter 26, Parking Meters, Section 26-15, Violations and Penalties, of the Town Code is hereby opened.

Ayes: Councilpersons Low-Hogan, Diviny, Troy, Maturo
Supervisor Whalen

Noes: None

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Charlotte Madigan, Town Clerk presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 04-B-11 and made a part of these minutes.

Barbara Gionta, Deputy Town Attorney, explained the amendment is an enhancement of penalties for violators of parking meters. If a vehicle is declared a public nuisance, the Town may remove (at the owner's expense) or may have a boot attached to the vehicle's wheel, until all fines and other expenses are paid.

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

RESOLUTION NO. 233

**CLOSE PH/AMEND TOWN CODE
CHAPTER 26 – PARKING METERS
SECTION 26-15**

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

RESOLVED, that the public comment portion is hereby closed.

Ayes: Councilpersons Low-Hogan, Diviny, Troy, Maturo
Supervisor Whalen

Noes: None

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RESOLUTION NO. 234

**LEAD AGENCY/AMEND TOWN CODE
CHAPTER 26 – PARKING METERS
SECTION 26-15**

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

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

Ayes: Councilpersons Troy, Low-Hogan, Maturo, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 235

**SEQRA DECLARATION/AMEND
TOWN CODE CHAPTER 26 –
PARKING METERS SECTION 26-15**

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

RESOLVED, that a SEQRA Declaration of non-significance, indicating that the action the Town Board is contemplating will not have a significant negative impact on the environment, is hereby adopted.

Ayes: Councilpersons Troy, Low-Hogan, Maturo, Diviny
Supervisor Whalen
Noes: None

Local Law 2, 2011

26-15(C) Removal of illegally parked vehicles

Except as otherwise authorized by valid permit issued pursuant to this chapter, in the event that any automobile, motorcycle or other vehicle has been left illegally parked in any metered or other parking space in violation of the provisions of this chapter, for a period in excess of five continuous hours, or if the vehicle is parked between the hours of 4:00 a.m. and 7:00 a.m. in violation of posted restrictions, or if the vehicle has five (5) or more unpaid parking violations against it, then the vehicle shall be and is hereby declared to be a public nuisance. In any case where a vehicle is declared a public nuisance, the Town may have such vehicle removed from that metered or other parking space at the expense of the registered owner thereof and tow such vehicle to a designated lot or yard, or the Town may have a boot attached to the vehicle’s wheel(s). Any vehicle that has been removed from a metered or other parking space pursuant to this section shall be released to the registered owner thereof upon payment by the registered owner of the fines and other costs and expenses levied against such vehicle, including towing and storage costs.

RESOLUTION NO. 236

**ADOPTED/LOCAL 2, 2011/AMEND
TOWN CODE CHAPTER 26 –
PARKING METERS SECTION 26-15**

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

RESOLVED, that the Town Board hereby adopted Local Law 2, 2011, amending Chapter 26, Parking Meters, Section 26-15, Violations and Penalties, of the Town Code.

Ayes: Councilpersons Troy, Low-Hogan, Maturo, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 237

**APPROVE AID/ROCKLAND COUNTY
POLICE EMERALD SOCIETY**

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

Resolution No. 237 – Continued

RESOLVED, that aid to the Rockland County Police Emerald Society for their charity 5K, by providing 6 port-o-johns, for their event May 1, 2011 at 9:30 am in Flywheel Park in Piermont is hereby approved

Ayes: Councilpersons Troy, Diviny, Low-Hogan, Maturo
Supervisor Whalen
Noes: None

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RESOLUTION NO. 238**REAPPOINT BLUE HILL GOLF
ADVISORY COMMITTEE/JOHN
HICKEY**

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

RESOLVED, that John Hickey is hereby reappointed a member of the Blue Hill Golf Course Advisory Committee for 2011.

Ayes: Councilpersons Maturo, Diviny, Troy, Low-Hogan
Supervisor Whalen
Noes: None

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RESOLUTION NO. 239**APPROVE/DEC CLIMATE SMART
COMMUNITY**

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

WHEREAS rising sea levels, more unpredictable storm patterns, and damage to natural ecosystems constitute some of the consequences of a changing climate; and

WHEREAS the Town of Orangetown believes that the changing climate poses a real and increasing threat to our local and global economy and environment; and

WHEREAS the effects of climate change will endanger our infrastructure, economy, and livelihoods; threaten our native wildlife populations; and pose health threats to our citizens; and

WHEREAS our response to climate change provides an opportunity to save money, build energy-independent communities, encourage green residential and commercial innovation, and develop more resilient infrastructure; and

WHEREAS we believe that even if greenhouse gas (GHG) emissions were dramatically reduced today, communities still must adapt to the effects of climate change,

IT IS HEREBY RESOLVED that the Town of Orangetown will adapt by

- 1) Becoming a Climate Smart Community as defined by the NYS DEC.
- 2) Reiterate existing sustainability efforts, set new community goals, and move to action.
- 3) Decrease energy demand for local government operations.

Ayes: Councilpersons Maturo, Low-Hogan, Diviny
Supervisor Whalen
Noes: Councilman Troy

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RESOLUTION NO. 240**RECOGNIZE EARTH DAY/APRIL 22, 2011**

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

Resolution No. 240 - Continued

WHEREAS all people, regardless of race, gender, income, or geography, have a right to a healthy, sustainable environment, and

WHEREAS it is understood that all global citizens must step forward to create a green, sustainable economy to combat our current global challenges, and

WHEREAS a green economy can be achieved on the individual level through education, public policy, and consumer activism, and

WHEREAS the Town wishes to broaden the sustainable movement,

THEREFORE BE IT RESOLVED that the Town of Orangetown pledges this Earth Day, April 22, 2011, to support green economy initiatives and to encourage others to undertake similar actions.

Ayes: Councilpersons Maturo, Diviny, Troy, Low-Hogan
Supervisor Whalen

Noes: None

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RESOLUTION NO. 241**APPROVE AID/PEARL RIVER PARK & ACTIVITY COMMITTEE**

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

RESOLVED, that aid to the Pearl River Park & Activity Committee, Inc., for the 4th of July Fireworks Display and Celebration on Monday, July 4, 2011 (rain date of Tuesday, July 5, 2011), by providing the following: police detail, four yards of sand, trash receptacles and field clean-up, barricades, six portable toilets (two handicapped accessible), is hereby approved.

Ayes: Councilpersons Diviny, Maturo, Troy, Low-Hogan
Supervisor Whalen

Noes: None

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RESOLUTION NO. 242**COMBINED AGENDA ITEMS**

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

RESOLVED, that agenda items sixteen (16) thru twenty-one (21) are hereby combined

Aye: Councilpersons Maturo, Troy, Low-Hogan, Diviny
Supervisor Whalen

Noes: None

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RESOLUTION NO. 243**TAX CERTIORARI SETTLEMENT/MAG HOLDING CORP.**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, Dennis D. Michaels, Deputy Town Attorney, is hereby approved and authorized to sign the Order and Stipulation of Settlement regarding the tax certiorari proceeding *Mag Holding Corp v. Brian Kenney, et ano*, Tax Map designation 70.14-2-32, for the tax assessment years 2005 through 2010, for a total refund by the County of \$275, a total refund by the Town of \$1,292 and a total refund by the School District of \$2,833. Interest on the Town's liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town.

Ayes: Councilpersons Maturo, Troy, Low-Hogan, Diviny
Supervisor Whalen

Noes: None

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RESOLUTION NO. 244**TAX CERTIORARI SETTLEMENT/ALUF
REAL PROPERTY, INC.**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, Dennis D. Michaels, Deputy Town Attorney, is hereby approved and authorized to sign the Stipulation and Order and Judgment Reducing Assessment regarding the tax certiorari proceeding *Aluf Real Property Inc. v. The Town of Orangetown, et al.*, Tax Map designation 70.18-2-15, 16.1 and 17, for the tax assessment years 2008 through 2010, for a total refund by the County of \$9,423, a total refund by the Town of \$46,672 and a total refund by the School District of \$135,041. Interest on the Town's liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town.

Ayes: Councilpersons Maturo, Troy, Low-Hogan, Diviny
Supervisor Whalen

Noes: None

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RESOLUTION NO. 245**TAX CERTIORARI SETTLEMENT
VERIZON NEW YORK, INC.**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, Dennis D. Michaels, Deputy Town Attorney, is hereby approved and authorized to sign the Order and Stipulation of Settlement regarding the tax certiorari proceedings *Verizon New York Inc. v. The Assessor of the Town of Orangetown, et al.*, Tax Map designations as follows: 74.11-2-3; 66.38-1-52; and 68.12-4-17, for the tax assessment years 2008 and 2009, for a total refund by the County of \$0, a total refund by the Town of \$0 and a total refund by the Pearl River School District of \$8,721; a total refund by the Nyack School District of \$11,278, and a total refund by the South Orangetown School District of \$0.

Ayes: Councilpersons Maturo, Troy, Low-Hogan, Diviny
Supervisor Whalen

Noes: None

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RESOLUTION NO. 246**TAX CERTIORARI SETTLEMENT
INSTRUMENTATION LABORATORY CO.**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, Dennis D. Michaels, Deputy Town Attorney, is hereby approved and authorized to sign the Order and Stipulation of Settlement regarding the tax certiorari proceeding *Instrumentation Laboratory Co. v. The Assessor of the Town of Orangetown, et al.*, Tax Map designation 70.19-1-45, for the tax assessment years 2007 through 2010, for a total refund by the County of \$9,101, a total refund by the Town of \$44,436 and a total refund by the School District of \$164,410. Interest on the Town's liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town.

Ayes: Councilpersons Maturo, Troy, Low-Hogan, Diviny
Supervisor Whalen

Noes: None

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RESOLUTION NO. 247**TAX CERTIORARI SETTLEMENT
60 OXFORD DRIVE LLC/155 CORPORATE
DRIVE LLC**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, Dennis D. Michaels, Deputy Town Attorney, is hereby approved and authorized to sign the Stipulation and Order and Judgment Reducing Assessment regarding the tax certiorari proceeding *60 Oxford Drive LLC/155 Corporate Drive, LLC. v. The Assessor, et al.*, Tax Map designation 73.19-1-1 and 73.19-1-18, for the tax assessment years 2008 through 2010, for a total refund by the County of \$14,533, a total refund by the Town of \$58,082 and a total refund by the School District of \$238,099. Interest on the Town's liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town.

Ayes: Councilpersons Maturo, Troy, Low-Hogan, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 248**TAX CERTIORARI SETTLEMENT
SORRENTINO**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, Dennis D. Michaels, Deputy Town Attorney, is hereby approved and authorized to sign the Consent Judgment regarding the tax certiorari proceeding *Ralph & Jean Sorrentino v. The Assessor of the Town of Orangetown, et al.*, Tax Map designation 69.08-1-4.5, for the tax assessment years 2009 and 2010, for a total refund by the County of \$297, a total refund by the Town of \$1,112 and a total refund by the School District of \$3,406. Interest on the Town's liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town.

Ayes: Councilpersons Maturo, Troy, Low-Hogan, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 249**PILOT AGREEMENT/ MAGNUM
DEVELOPMENT, LLC/ZACKS
ENTERPRISES, INC. D/B/A ZAGWEAR**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, Paul Whalen, Supervisor, is hereby authorized to sign the Payment in Lieu of Taxes Agreement regarding real property commonly known as 33 Corporate Drive, Orangeburg, New York (Tax Map Designation S/B/L 73.19-1-9), covering the tax assessment years commencing September 1, 2011 for a term of five (5) years for the School District, and January 1, 2012 for a term of five (5) years, for the State, County and Town Tax.

Ayes: Councilpersons Low-Hogan, Troy, Maturo, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 250**APPROVE INTERMUNICIPAL AGREEMENT
ROCKLAND COUNTY INTELLIGENCE**

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

Resolution No. 250 - Continued

RESOLVED, that upon the recommendation of the Town Attorney and the chief of Police, an Intermunicipal Agreement between the Town and the County of Rockland providing for partial reimbursement by the County in the amount of ONE HUNDRED EIGHTY-FIVE THOUSAND SIX HUNDRED NINETY-FIVE AND NO/100 (\$185,695.00) of the compensation costs of one Town Police Officer for services rendered to the Rockland County Intelligence Center for and during the period of January 1, 2011 through December 31, 2011, is hereby approved and the Town Supervisor is hereby authorized to execute such Agreement on behalf of the Town.

Ayes: Councilpersons Troy, Maturo, Low-Hogan, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 251**CERTIFICATE OF REGISTRATION
2011 SEWER WORK**

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

RESOLVED, that upon the recommendation of the Town Attorney and the Director of the Department of Environmental Management and Engineering, a Certificate of Registration for 2011 Sewer Work is approved to the following:

Rino Paving & Construction, Inc., 20 Viola Road, Suffern, NY 10901
W.Harris & Son, Inc., 37 West Washington Avenue, Pearl River, NY 10965
J.D. Backhoe Service, Inc., 3 Route 340 Orangeburg, NY 10962

Ayes: Councilpersons Low-Hogan, Diviny, Troy, Maturo
Supervisor Whalen
Noes: None

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RESOLUTION NO. 252**APPROVAL/CHANGE ORDERS/ BLUE
HILL GOLF COURSE CLUBHOUSE
RENOVATION PROJECT**

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

RESOLVED, that Scott Burton, Director of DEME, is hereby authorized to approve Change Orders with an established approval limit of \$10,000.00 for the Blue Hill Golf Course Clubhouse Renovation Project. Provided such increase does not exceed the approved budget for the Project.

Ayes: Councilpersons Troy, Maturo, Low-Hogan, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 253**BLUE HILL GOLF COURSE
CLUBHOUSE RENOVATION
PROJECT/CHANGE ORDER NO. 1**

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

RESOLVED, that upon the recommendation of the Director of DEME, Change Order No. 1 to Contract 1-P, in the amount of \$21,470.00, for the installation of the revised incoming water service piping is hereby approved. The change includes the increase in piping diameter

Resolution No. 253 - Continued

from ¾" to 2". The revised piping schematic has been recommended, reviewed and approved by the Town Engineer, the Architect of record and the Plumbing Contractor. This amount is covered within the approved Project Budget and is to be charged to Account No. E103.

Ayes: Councilpersons Maturo, Diviny, Troy, Low-Hogan
Supervisor Whalen
Noes: None

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RESOLUTION NO. 254**APPOINT/SENIOR CLERK
TYPIST/JUSTICE/GERALDINA
SCHIAVONE**

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

RESOLVED, that Geraldina Schiavone is hereby appointed to the position of Senior Clerk Typist, in the Justice Department, permanent, from Eligible List Number 08081, mandatory six month probationary period, grade 5 - step 1, annual salary \$37,995.00, effective April 18, 2011.

Ayes: Councilpersons Diviny, Troy, Low-Hogan, Maturo
Supervisor Whalen
Noes: None

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RESOLUTION NO. 255**APPOINT/ASSISTANT ACCOUNT-
KEEPING SUPERVISOR/JANCE
GANLEY**

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

RESOLVED, that provisional employee, Janice Ganley, is hereby appointed to the position of Assistant Account-Keeping Supervisor in the Accounting Department, permanent, from Eligible List #10103, effective April 13, 2011 (no change in salary or grade).

Ayes: Councilpersons Troy, Diviny, Low-Hogan, Maturo
Supervisor Whalen
Noes: None

* * *

RESOLUTION NO. 256**APPROVE 2011 BUDGET TRANSFERS
TOWN MUSEUM**

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

RESOLVED, that the following budget transfers, for the Town Museum, are hereby approved.

	Current	Change	Revised
A.7520.457	21,520	-11,500	10,020
A.7520.013	8,000	11,500	19,520

Ayes: Councilpersons Diviny, Low-Hogan, Troy, Maturo
Supervisor Whalen
Noes: None

* * *

RESOLUTION NO. 257**CONTRACT/TYLER TECHNOLOGIES**

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

Resolution No. 257 - Continued

RESOLVED, that the contract with Tyler Technologies, Inc. for system application; for a period of three years, including system hosting, maintenance and support; in the amount of \$44,010, to be charged to Account No. A.1682.457 is hereby approved.

Ayes: Councilpersons Maturo, Diviny, Troy, Low-Hogan
Supervisor Whalen
Noes: None

* * *

RESOLUTION NO. 258**AUTHORIZE/J. P. MORGAN CHASE/
PURCHASING CARD**

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

RESOLVED, the application of the Town of Orangetown for the J. P. Morgan Chase corporate purchasing card program is hereby authorized.

Ayes: Councilpersons Troy, Maturo, Low-Hogan, Diviny
Supervisor Whalen
Noes: None

* * *

RESOLUTION NO. 259**PERMISSION GRANTED/ASSOC OF
TOWNS HIGHWAY SCHOOL**

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

RESOLVED, that permission is hereby granted for James Dean, Stephen Munno, Mike Yannazzone, and Anthony Limandri to attend the Association of Towns Annual Highway School, Ithaca, NY, June 6-8, 2011 at a cost of \$1200.00 to be charged to Acct. No. 0441, and \$100.00 to be charged to Acct. No. 0480, for a total cost of \$1300.00.

Ayes: Councilpersons Diviny, Maturo, Troy, Low-Hogan
Supervisor Whalen
Noes: None

* * *

RESOLUTION NO. 260**PERMISSON GRANTED/NYS ASSOC
OF TAX RECEIVERS**

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

RESOLVED, that permission is hereby granted for Robert Simon to attend the NYS Association of Tax Receivers and Collectors Annual Training Seminar, June 12-15, 2011, Lake Placid, NY at a cost of \$950.00 to be charged to Acct. #0441/0480.

Ayes: Councilpersons Maturo, Diviny, Troy, Low-Hogan
Supervisor Whalen
Noes: None

* * *

RESOLUTION NO. 261**ACCEPT MINUTES**

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

RESOLVED, that the February 15, 2011 Special Town Board Meeting and Executive Session minutes; and the March 7, 2011 Special Town Board Meeting minutes; and March 8, 2011 Regular Town Board Meeting, Audit Meeting and Executive Session minutes are hereby accepted.

Ayes: Councilpersons Troy, Diviny, Low-Hogan, Maturo
Supervisor Whalen
Noes: None

RESOLUTION NO. 262**POLICE STUDY/MCSHANE AND
ANDREWS/RECEIVED/FILED**

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

RESOLVED, that the Police Study by McShane and Andrews is received and filed in the Town Clerk's Office.

Ayes: Councilpersons Low-Hogan, Troy, Maturo, Diviny
Supervisor Whalen
Noes: None

* * *

RESOLUTION NO. 263**CARETAKER AGREEMENTS/BLUE
HILL/NIKE LANE/BORST MEMORIAL
PARK/RECEIVED/FILED**

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

RESOLVED, that the following original executed Caretaker Agreements are received and filed in the Town Clerk's Office:

- Blue Hill – Steve Bello, dated March 15, 2011;
- Nike Lane – Thomas Iacobellis, dated March 15, 2011;
- Borst Memorial Park – Anthony Limandri, dated March 22, 2011.

Ayes: Councilpersons Low-Hogan, Maturo, Troy, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 264**BROADACRES GOLF COURSE/PRO
SHOP/PATRICK JOSEPH WRAFTER
RECEIVED/FILED**

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

RESOLVED, that the original executed Broadacres Golf Pro Shop agreement, between Patrick Joseph Wrafter and the Town, dated March 9, 2011, is received and filed in the Town Clerk's Office.

Ayes: Councilpersons Diviny, Troy, Low-Hogan, Maturo
Supervisor Whalen
Noes: None

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RESOLUTION NO. 265**SEWER NONCOMPLIANCE
REPORTS/NYSDEC/MARCH 6, 2011
RECEIVED/FILED**

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

RESOLVED, that five Sewer Noncompliance reports, dated March 6, 2011, to NYSDEC are received and filed in the Town Clerk's Office.

Ayes: Councilpersons Maturo, Low-Hogan, Troy, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 266**WASTEWATER TREATMENT PLANT
WWTP-06-1G-GENERAL CHANGE
ORDER NO. 4/ JETT INDUSTRIES
RECEIVED/FILED**

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

RESOLVED, that Change Order No. 4, in the amount of \$552,104.02, to the Wastewater Treatment Plant, WWTP-06-1G, contract, with Jett Industries, is received and filed in the Town Clerk's Office.

Ayes: Councilpersons Troy, Low-Hogan, Maturo, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 267**PERMISSION GRANTED/FBI SWAT
SCHOOL**

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

RESOLVED, that permission is hereby granted for two members of the REACT team to attend the Basic FBI SWAT School 11-1, Fort Dix, NJ, April 25th - May 6th, 2011 at a cost of \$1445.00 to be charged to Acct. No. B3120.50441, and \$1246.69 to be charged to B3120.161-50012, for a total cost of \$2591.69.

Ayes: Councilpersons Maturo, Troy, Low-Hogan, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 268**REAPPOINT/BOARD OF ASSESSMENT
REVIEW/MATTHEW REID**

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

RESOLVED, that Matthew Reid is hereby re-appointed to the Board of Assessment Review, for a 5-year term, effective 10/1/2010 through 9/30/2015.

Ayes: Councilpersons Low-Hogan, Diviny, Troy, Maturo
Supervisor Whalen
Noes: None

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RESOLUTION NO. 269**RECOGNITION/AUTISM/CENTRAL
AVE/PAINT LINE**

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

RESOLVED, that the Highway Department is hereby authorized to paint a blue line on Central Avenue, Pearl River, in recognition of Autism.

Ayes: Councilpersons Troy, Maturo, Low-Hogan, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 270**ALTERNATE ZONING BOARD OF
APPEALS MEMBER/SCHEDULE
PUBLIC HEARING**

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

RESOLVED, that a public hearing is scheduled for May 10, 2011, 8:05 p.m. to consider amending Chapter 43, Zoning, of the Town Code relating to membership on the Zoning Board of Appeals.

Ayes: Councilpersons Troy, Maturo, Low-Hogan, Diviny
Supervisor Whalen
Noes: None

* * *

RESOLUTION NO. 271**ENTERED AUDIT**

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

RESOLVED, that the Town Board entered the Audit Meeting at 9:47 p.m.

Aye: Councilpersons Troy, Diviny, Low-Hogan, Maturo
Supervisor Whalen
Noes: None

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RESOLUTION NO. 272**PAY VOUCHERS**

Councilman Troy offered the following resolution, which was seconded by Councilman Maturo 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 \$1,908,726.99.

Ayes: Councilpersons Troy, Maturo, Low-Hogan, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 273**ADJOURNMENT**

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

RESOLVED, that the Town Board adjourned, in memory of Kathleen Fitzpatrick, Blauvelt; William Duenas, Tappan; George Kunzmann, Sr., Pearl River; Kathleen Gallagher, Pearl River; Barbara Mullen, Pearl River; Fred Clarkston, Pearl River; Peter Schildhorn, Tappan; Robert Edsall, Pearl River; James Dooley, Pearl River; Mary Lesch, Pearl River/Sparkill; Francis McCoy, Pearl River; and Betty Lui, Helen Chee's sister (town employee); at 10:07 p.m.

Ayes: Councilpersons Troy, Maturo, Low-Hogan, Diviny
Supervisor Whalen
Noes: None

Charlotte Madigan, Town Clerk