

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, APRIL 13, 2010**

This Town Board Meeting was opened at 7:30 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
Richard Pakola, Deputy Town Attorney
AnnMarie Hahr, Executive Assistant to the Supervisor
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways
Ron Delo, Director of the Dept. of Env'tl Management & Engineering
John Giardiello, Director of OBZPAE
Aric T. Gorton, Superintendent Parks-Rec. & Building Maint.

Charlotte Madigan led the Pledge of Allegiance to the Flag.

The Environmental Recycle Fair will be on April 24th at 10 a.m. at the Tappan Zee High School.

Summary of Public Comments (RTBM):

Michael Mandel, Pearl River, spoke about overflows with the siphon line and he asked why the repair of the siphon line was not included in the Bond.

Michael Killeen, Pearl River, spoke about a public sewer line and the backup into his home.

Esta Baitler, Consumer Advocate for Cathy Lukens Home, spoke regarding the sidewalk work along Route 340, the sewer odors and the noise from the CSX trains.

Eileen Larkin, Palisades, said the Town is obligated to make sure companies in the Empire Zone are in compliance.

Jim Castagna, Sparkill, spoke about the importance of requesting funding for commuter parking in Sparkill and he encouraged each of the Town Board members to collaborate and grasp this project as top priority.

Tracey Hancock, RUSH member, asked if the new Planning Board notification process is in effect for the Hillside project.

Watson Morgan, Blauvelt, said commuter parking in Orangetown needs to be addressed. He believes the American Legion property is too wet and the RPC maybe a possibility.

RESOLUTION NO. 227

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

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

Noes: None

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RESOLUTION NO. 228

**ORANGE & ROCKLAND UTILITIES
SPECIAL PERMIT/H-FRAME
TRANSITION TOWERS RESCHEDULE
PUBLIC HEARING DATE**

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

Resolution No. 228 - Continued

RESOLVED, that the continuance of the public hearing to consider a Special Permit permitting the installation and construction of "H-frame" structures to transition overhead lines to the underground lines at the Corporate Drive substation with fence enclosure is hereby rescheduled to May 11, 2010 at 8 p.m.

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

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RESOLUTION NO. 229**GRAFFITI/PROPERTY MAINTENANCE
PROPOSED LOCAL LAW/OPEN PH**

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

RESOLVED, that the 8:05 p.m. public hearing to consider a proposed local law amending Chapter 24C of the Town Code entitled "Property Maintenance" regarding Graffiti is hereby opened.

Ayes: Councilpersons Low-Hogan, Troy, Maturo, Diviny
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 4-A-10 and made a part of these minutes.

Richard Pakola, Deputy Town Attorney, presented the proposed local law to the Town Board.

Summary of Public comments:

Andy Stewart, Keep Rockland Beautiful, said they are in favor of this law and they commend the efforts of the Town Board to address the graffiti problem.

RESOLUTION NO. 230**GRAFFITI/PROPERTY MAINTENANCE
PROPOSED LOCAL LAW/CLOSE PH**

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

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

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

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RESOLUTION NO. 231**GRAFFITI/PROPERTY MAINTENANCE
PROPOSED LOCAL LAW/LEAD AGENCY**

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

RESOLVED, that the Town Board declares itself Lead Agency.

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

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RESOLUTION NO. 232**GRAFFITI/PROPERTY MAINTENANCE
PROPOSED LOCAL LAW/SEQRA
DECLARATION**

Councilman Troy offered the following resolution, which was seconded by Councilman Diviny 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; a copy is labeled Exhibit 4-B-10 and made a part of these minutes.

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

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**LOCAL LAW NO. 2, 2010 OF THE TOWN OF ORANGETOWN,
CREATING CHAPTER 10.B, *GRAFFITI*, AND AMENDING CHAPTER 24C,
PROPERTY MAINTENANCE, OF THE TOWN OF ORANGETOWN TOWN CODE**

Be it enacted by the Town Board of the Town of Orangetown as follows:

Section 1. Create Chapter 10.B., *Graffiti*, as follows:

Chapter 10.B. GRAFFITI.

§ 10.B-1. Definitions.

As used in this local law, the following terms shall have the meanings indicated:

ETCHING ACID – Any liquid, cream, paste or similar chemical substance that can be used to etch, draw, carve, sketch, engrave, or otherwise alter, change or impair the physical integrity of glass or metal.

INDELIBLE MARKER – Any felt tip marker or similar implement containing a fluid that is not water soluble and which has a flat, rounded, pointed or angled writing surface.

GRAFFITI – Any drawing, figure, inscription, mark, message, slogan, symbol or object written, painted, drawn, etched, placed or otherwise made on property, such that such drawing, figure, inscription, mark, message, slogan, symbol or object would constitute a blight to the neighborhood for a reasonable person.

PROPERTY – Any building, fence, motor vehicle, recreational vehicle, rock, statue, monument, wall, tunnel, sign, structure, tree, utility box, utility pole, waste receptacle and all other articles of personal or real property upon which one can write, draw paint, etch or otherwise mark.

§ 10.B-2. Findings.

The Town Board of the Town of Orangetown hereby finds and declares that graffiti creates a nuisance for the Town's residents and merchants. The proliferation of graffiti is a physical blight upon the landscape of the Town and costs taxpayers, merchants and homeowners substantial money to remove and repair.

§ 10.B-3. Prohibited Acts.

A. No person shall apply graffiti to any property without the permission of the owner of such property.

B. No person shall sell or offer to sell an aerosol spray paint can or etching acid to any person under eighteen years of age.

C. No person shall carry an aerosol can of paint with the seal broken, etching acid, or an open indelible marker in any public building or other public place or facility with intent to use same to deface property.

§ 10.B-4. Penalties for offenses.

A. Any person who is found guilty of applying graffiti in violation of § 10.B-3.A shall be punished by a fine of not more than \$500. In addition, such person shall be required to make full restitution to any injured party.

B. Any person who is found guilty of selling or offering to sell an aerosol spray paint can or etching acid to any person under eighteen years of age in violation of § 10.B-3.B shall be punished by a fine of not more than \$100 for each violation thereof.

C. Any person who is found guilty of carrying an aerosol can, etching acid, or an open indelible marker in violation of § 10.B-3.C shall be punished by a fine of not more than \$250.

Section 2. Amend Chapter 24C, *Property Maintenance*, by adding the following definition to Section 24C-2, Definitions:

GRAFFITI – Any drawing, figure, inscription, mark, message, slogan, symbol or object written, painted, drawn, etched, placed or otherwise made on property, such that such drawing, figure, inscription, mark, message, slogan, symbol or object would constitute a blight upon the neighborhood for a reasonable person.

Section 3. Amend section 24C-6, by adding the following:

F. There shall be no observable (from a public highway or private road) graffiti.

Section 4. Amend section 24C-15 to read as follows:

B. The Town Board, after a public hearing as provided in Subsection A, may cause any vermin, nuisance, hazard, debris, litter or graffiti as defined in this chapter or any vehicle parked or stored in violation of this chapter to be removed from any property within the unincorporated portion of the Town of Orangetown, upon the failure of such owner, tenant or occupant to comply with any requirements and/or conditions of the Town Board. Said removal may be performed by the Town of Orangetown or by its designee, or agent, including a private contractor. The Town Board shall ascertain the cost of the proceeding and of removal, and assess such expense against the record owner of the property. The expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

C. The removal of any nuisance, hazard, litter or graffiti by the Town of Orangetown or its agents shall not operate to excuse such owner, tenant or occupant from properly maintaining the premises as required by this chapter, and such owner, tenant or occupant shall, notwithstanding such action, be subject to any other penalties as provided for herein.

Section 6.

The provisions of this local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION NO. 233

**LOCAL LAW 2, 2010/GRAFFITI
PROPERTY MAINTENANCE PROPOSED
LOCAL LAW/ADOPTED**

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

RESOLVED, that the Town Board hereby adopted Local Law 2, 2010 amending Chapter 24C of the Town Code entitled “Property Maintenance” regarding Graffiti.

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

RESOLUTION NO. 234

STREETS AND SIDEWALKS PROPOSED LOCAL LAW/OPEN PH

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

RESOLVED, that 8:10 p.m. continuance of public hearing to consider a proposed local law amending Chapter 32 of the Town Code entitled "Streets and Sidewalks" is hereby opened.

Ayes: Councilpersons Low-Hogan, Troy, Maturo, Diviny
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 4-C-10 and made a part of these minutes.

Richard Pakola, Deputy Town Attorney, said any ambiguous wording and the tree root wording has been deleted from the proposed law and it has been worded to absolve the Town from any liability.

Summary of Public comments:

Robyn Lefcourt, Orangeburg, suggested changing some of the wording in the proposed law.

RESOLUTION NO. 235

STREETS AND SIDEWALKS PROPOSED LOCAL LAW/CLOSE PH

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

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

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

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RESOLUTION NO. 236

STREETS AND SIDEWALKS PROPOSED LOCAL LAW/LEAD AGENCY

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

RESOLVED, that the Town Board declares itself Lead Agency.

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

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RESOLUTION NO. 237

STREETS AND SIDEWALKS PROPOSED LOCAL LAW/SEQRA DECLARATION

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

Resolution No. 237 - Continued

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; a copy is labeled Exhibit 4-D-10 and made a part of these minutes.

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

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RESOLUTION NO. 238

**STREETS AND SIDEWALKS
PROPOSED LOCAL LAW/AMEND
RE-INSERT TREE ROOT PROVISION**

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

RESOLVED, that the tree root provision is hereby reinserted into the local law.

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

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**LOCAL LAW NO. 3, 2010 OF THE TOWN OF ORANGETOWN,
AMENDING CHAPTER 32, *STREETS AND SIDEWALKS*, OF THE TOWN CODE
RELATING
TO THE MAINTENANCE OF SIDEWALKS**

Be it enacted by the Town Board of the Town of Orangetown as follows:

Section 1. § 32-15 shall be amended as follows:

A. The owner or occupant of lands adjacent to any street or highway in a business or industrial district shall maintain and repair the sidewalks adjoining and on the same side of the street or highway as his lands and shall keep such sidewalks free and clear of and from snow, ice and all other obstructions. Such owner or occupant and each of them shall be liable for any injury or damage by reason of omission, failure or negligence to maintain, repair, or keep free and clear such sidewalks as required herein.

B. Notwithstanding any other provision of law, the Town shall not be liable for any injury to property or personal injury, including death, proximately caused by the failure to maintain business or industrial district sidewalks in a reasonably safe condition. This subdivision shall not be construed to apply to the liability of the Town as a property owner pursuant to subdivision A of this section.

C. The following are conditions that may constitute a defective sidewalk or portion of a sidewalk requiring maintenance or repair:

- (1) Unacceptable quality of sidewalk surface, including but not limited to holes, depressions, breaks, or projections;
- (2) Ridges or gaps between adjoining sidewalk blocks;
- (3) Differences in elevation of the surface a sidewalk or of adjoining sidewalk blocks, to include differences in elevation caused by tree roots;
- (4) Peeling or crumbling of the surface of the sidewalk;
- (5) Tilting of sidewalk or sidewalk blocks, except in the case of handicap ramps, driveway approaches or other similar situations; and/or

Local Law No. 3, 2010 - Continued

(6) Missing portions of surface.

D. Procedure.

(1) The Superintendent of the Highway Department or his or her designated agent shall have jurisdiction for the purposes of ordering the repair of a defective sidewalk and for taking remedial action towards repairing the sidewalk.

(2) Upon receipt of information that a sidewalk may be defective, the Superintendent or designee shall make an inspection of the sidewalk and file a report in his or her office.

(3) If the sidewalk presents a hazard to pedestrians, the Highway Department should take immediate and reasonable steps to cordon or otherwise mark or block off the area, so that it is not a danger to pedestrians.

(4) If the Superintendent or designee's investigation confirms the existence of a defective sidewalk, the Superintendent shall cause notice to be served upon the adjacent property owner and/or occupant, either personally or by first class pre-paid mail. If for whatever reason the owner or occupant cannot be ascertained, notice shall be served by posting in a conspicuous place upon the premises.

(5) The property owner or occupant should contact the Highway Department at the phone number provided on the notice within fourteen (14) calendar days of notice in order to coordinate repair or correction. If the property owner or occupant has not contacted the Highway Department within twenty-eight (28) calendar days, and has likewise not contested the order, the Highway Department shall make provision for the securing and repair of the sidewalk and allocate all said expenses against the land that is adjacent to the sidewalk, as per section 32-17, below.

(6) Contesting the Order.

(a) If the property owner or occupant wishes to contest the order to correct the defective sidewalk, the property owner or occupant must request in writing a hearing before the Town Board. The property owner or occupant must request this hearing within fourteen (14) calendar days of receiving notice. During the hearing before the Town Board, the Superintendent or his or her designated agent will present evidence of the defective condition of the sidewalk. The protesting owner or occupant will then be given an opportunity to show that the sidewalk is not defective.

(b) The protesting owner or occupant bears the burden of proof by the preponderance of the evidence.

(c) The Town Board shall determine based upon the evidence presented whether the sidewalk is defective. If the Town Board determines that there is a defect in the sidewalk, the owner or occupant must cure said defect within fourteen (14) calendar days of the Town Board's decision. If the defect in the sidewalk is not cured within fourteen (14) calendar days of the Town Board's decision, the Town Board is authorized to make provision for the securing and repair of the sidewalk and to allocate all said expenses against the land that is adjacent to the sidewalk, as per section 32-17, below.

(7) In the event that the owner or occupant corrects the defect in the sidewalk, the owner or occupant is responsible for the quality of the finished work. A representative of the Town Highway Department may inspect the project and may require the owner or occupant to remove and replace new construction that does not meet basic construction standards.

E. Notice provided to the property owner or occupant shall contain the following:

(1) A description of the premises upon which the sidewalk is adjacent to.

(2) A statement of the particulars in which the sidewalk is defective.

Local Law No. 3, 2010 - Continued

(3) An order that the repair or correction of the defective portion of the sidewalk shall be completed within twenty-eight (28) calendar days of service of the notice.

(4) A request to contact the Highway Department within fourteen (14) calendar days of receipt of the notice in order to coordinate repair of the sidewalk.

(5) Instructions for the recipient to schedule a hearing before the Town Board if the recipient does not agree with the findings of the Highway Department and notice that said hearing must be requested in writing fourteen (14) calendar days from service of written notice.

(6) A statement that in the event of neglect or refusal to comply with the order to repair or replace the defective sidewalk, the Town Board is authorized to provide that the sidewalk be secured and repaired and that all expenses thereof will be assessed against the land that is adjacent to the sidewalk, as per section 32-17, below.

(7) A statement informing the owner or occupant that under Town law, the owner or occupant is liable for any injury or damage incurred based upon the owner or occupant's failure to remedy the defective sidewalk.

Section 2. This Local law shall take effect immediately upon its filing in the office of the Secretary of State.

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RESOLUTION NO. 239

**LOCAL LAW 3, 2010/STREETS AND
SIDEWALKS PROPOSED LOCAL
LAW/ADOPTED**

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

RESOLVED, that the Town Board hereby adopted Local Law 3, 2010 amending Chapter 32 of the Town Code entitled "Streets and Sidewalks".

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

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RESOLUTION NO. 240

**REMOVE MEMBER/ORANGETOWN
ENVIRONMENTAL COMMITTEE**

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

RESOLVED, that upon the recommendation of the Town Board, Brian Aitchison is hereby removed as a member of the Orangetown Environmental Committee.

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

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RESOLUTION NO. 241

**APPOINT MEMBER/ORANGETOWN
ENVIROMENTAL COMMITTEE**

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

Resolution No. 241 - Continued

RESOLVED, that upon the recommendation of the Town Board, Justin Grimm-Greenblatt is hereby appointed to the Orangetown Environmental Committee for 2010.

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

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RESOLUTION NO. 242**NYS ASSOCIATION OF TAX RECEIVERS
& COLLECTORS CONFERENCE
PERMISSION GRANTED/RECEIVER OF
TAXES**

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

RESOLVED, that permission is hereby granted to Robert Simon to attend the NYS Association of Tax Receivers & Collectors Annual Training Seminar, June 13 -16, 2010, 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

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RESOLUTION NO. 243**APPOINT/SUBSTANCE ABUSE
COMMITTEE**

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

RESOLVED, that the following members are hereby appointed to the Orangetown Substance Abuse Committee:

Edward Bolan, TZHS Principal	Sue Maher, SOCASA
Sheila Silverman, Assistant Principal	Vicki Shaw, SOCASA
Denise Zumpano	Patrick Sweeney
Gail McMorrow	Neil Francis
Tom Butterworth	Jennie Brown
Ana Aparicio	Bill Lee

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

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RESOLUTION NO. 244**DOLLER SUBDIVISION/RELEASE OF
PERFORMANCE BOND**

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

RESOLVED, that upon the recommendation of the Planning Board (PB# 2010-12), the Town Highway Department, DEME and the Town Attorney's Office, the Board hereby authorizes the release of the Doller Subdivision Performance Bond (150 Kings Highway, Orangeburg, NY) and Letter of Credit #2201 originally issued by Union State Bank, and as subsequently amended to Key Bank, in the amount of \$131,250.00, which was originally posted pursuant to Town Board Resolution #2007-436.

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

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RESOLUTION NO. 245**AMEND RESOLUTION #173/EMPIRE
ZONE/AERCO INTERNATIONAL
BRADLEY CORPORATE PARK**

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

RESOLVED, that upon the recommendation of the Town Attorney, Resolution No. 173 is hereby amended as follows:

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ORANGETOWN,
AMENDING RESOLUTION # 173, WITH RESPECT TO THE INCLUSION OF A
PORTION OF TAX PARCEL 70.06-1-1.12 AS A ROCKLAND COUNTY EMPIRE ZONE
REGIONALLY SIGNIFICANT PROJECT LOCATION**

WHEREAS, the Town of Orangetown, as an eligible municipality, in conjunction with the County of Rockland, received designation of an Empire Zone as distinct and separate contiguous areas pursuant to Section 957 (d) of the General Municipal Law; and

WHEREAS, at a regular meeting held on March 9, 2010, following due notice and a public hearing, the Town Board adopted a Concurring Resolution (Town Board Resolution # 173), supporting the determination of the County of Rockland to include Tax Parcel 70.06-1-1.12 on the Tax Map of the Town of Orangetown as an area outside the distinct and separate contiguous areas in the Rockland County Empire Zone on behalf of Aerco International as a Regionally Significant Project; and

WHEREAS, following the adoption of said Resolution, the Commissioner of the N.Y.S. Department of Economic Development, or his designee, advised that the geographic area referred to in the Resolution should be limited to the specific portion of the said Tax Parcel, as shown on the map, and related coordinates, annexed hereto, and made a part hereof, rather than to the entire tax parcel,

NOW, THEREFORE, be it resolved that the Town Board, in its capacity as governing body of the Town of Orangetown, does hereby amend Resolution # 173 to limit the boundaries of the geographic area to be included in the Rockland County Empire Zone on behalf of Aerco International, as a Regionally Significant Project, to that portion of Tax Parcel 70.06-1-1.12 on the Tax Map of the Town of Orangetown as more fully shown on the annexed map and related coordinates

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

Noes: None

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RESOLUTION NO. 246**TAX CERTIORARI SETTLEMENT
PHILLIP BESWICK**

Councilman Diviny offered the following resolution, which was seconded by Councilwoman Low-Hogan 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 authorized to sign the Consent Judgment regarding the tax certiorari proceeding *Phillip Beswick v. Assessor of the Town of Orangetown, et al.*, Tax Map designation 70.11-1-6 for the tax assessment year 2009 for a total refund by the County of \$243 and for a total refund by the Town of \$1,144. 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 Diviny, Low-Hogan, Troy, Maturo
Supervisor Whalen

Noes: None

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RESOLUTION NO. 247**TAX CERTIORARI SETTLEMENT
GISONDI/142 MAIN STREET 11-13
PIERMONT AVENUE**

Councilman Maturo offered the following resolution, which was seconded by Councilman Diviny 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 authorized to sign the Consent Judgment regarding the tax certiorari proceeding *Gisondi Family Limited Partnership v. The Assessor of the Town of Orangetown, et al., and Nyack Union Free School District, Intervener-Respondent*, Tax Map designation 66.29-2-25; 66.37-2-7; and 66.38-2-54 for the tax assessment years 2002 through 2009 for a total refund by the County of \$1,762 and for a total refund by the Town of \$6,539. 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, Diviny, Troy, Low-Hogan
Supervisor Whalen
Noes: None

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RESOLUTION NO. 248**APPROVE CONTRACT/ELECTRIC
SUPPLY**

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

RESOLVED, that an electric supply contract with Con Ed Solutions for a period of one (1) year is hereby approved.

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

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RESOLUTION NO. 249**258 SOUTH BOULEVARD
SUBDIVISION/RECEIVE/FILE
DOCUMENTS**

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

RESOLVED, that the following original documents for 258 South Boulevard Subdivision, Joseph L. Vozza and Michael DeMarco (66.17-1-25) are hereby received and filed in the Town Clerk's Office:

1. Declaration of Sewer Easement (Rockland County Inst No. 2009-42593).
2. Declaration of Covenant Conservation and Vegetative Buffer Easement (Rockland County Inst No. 2005-45166).
3. Restrictive Covenant Against Further Subdivision (Rockland County Inst No. 2005-45177).

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

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RESOLUTION NO. 250**CERTIFICATE OF REGISTRATION
2010 SEWER WORK**

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

Resolution No. 250 - Continued

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 2010 Sewer Work is approved to the following:

Mr. Rooter of Dutchess County, Inc., 75 West Road, PO Box 1740, Pleasant Valley, NY
American Minutemen Sewer Drain Service, 307 South Main Street, New City, NY
Monsey Excavating, 71 Montebello Commons Drive, Montebello, NY 10901

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

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RESOLUTION NO. 251**AWARD BID/HYBRID SPORT
UTILITY VEHICLE**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for one (1) Hybrid Sport Utility vehicle, which were received and publicly opened on March 31, 2010. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 4-E-10, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Schultz Ford, Nanuet, New York, the only qualified bidder to meet specifications, in the amount of \$31,698.00, to be charged to the Equipment Bond Account.

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

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RESOLUTION NO. 252**APPROVE EMERGENCY
REPAIRS/WESTERN HIGHWAY
TRAFFIC SIGNAL**

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

RESOLVED, that the emergency repairs on the traffic signal on Western Highway, in the amount of \$10,280.00, to be charged to Acct. #A3310-0457, is hereby approved.

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

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RESOLUTION NO. 253**APPROVE EMERGENCY PURCHASE
BLUE HILL GOLF COURSE**

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

RESOLVED, that the emergency purchase of new steam boiler from Berry Burners for Blue Hill Golf Course, in the amount of \$5,650.00, to be charged to Acct. #E7250002/50200 is hereby approved.

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

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RESOLUTION NO. 254**AWARD BID/PEARL RIVER TREE
PLANTING/PARKS**

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

WHEREAS, the Superintendent of Parks and Recreation duly advertised for sealed bids for Pearl River Street Planting, which were received and publicly opened on March 18, 2010. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 4-F-10, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Pat Scanlon Landscaping, located in New City, NY, to the lowest qualified bidder, in the amount of \$4,866.00, to be charged to Account No. B8560174/50457.

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

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RESOLUTION NO. 255**AWARD BID/TREE PRUNING &
REMOVAL/PARKS**

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

WHEREAS, the Superintendent of Parks and Recreation duly advertised for sealed bids for Tree Pruning and Removal, which were received and publicly opened on March 12, 2010. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 4-G-10, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Ira Wicks Arborists, Spring Valley, NY, the lowest qualified bidder, for tree work on an as needed basis, to be charged to Account No. B8560174/50457.

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

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RESOLUTION NO. 256**ENTERED AUDIT**

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

RESOLVED, that the Town Board entered the Audit Meeting at 8:50 p.m.

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

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RESOLUTION NO. 257**PAY VOUCHERS**

Councilman Diviny offered the following resolution, which was seconded by Councilwoman Low-Hogan 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 for a total amount of \$1,502,576.27.

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

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RESOLUTION NO. 258

ENTER EXECUTIVE SESSION

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

RESOLVED, that the Town Board entered Executive Session at 9:00 p.m.

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

Resolution Nos. 259 and 260 see Executive Session.

RESOLUTION NO. 261

ADJOURNMENT/MEMORY

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

RESOLVED, that the Town Board adjourned, in memory of Kenneth Wilder, Nyack; Philip Ramundo, Orangeburg; John (Jack) Cotter, Blauvelt, John C. Schwantner, Pearl River; and Livia Iorio Orangeburg, at 10:21 p.m.

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

Charlotte Madigan, Town Clerk