

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, APRIL 26, 2011**

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
Teresa Kenny, First Deputy Town Attorney
AnnMarie Hahr, Executive Assistant to the Supervisor
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways
Mike Yannazzone, Highway General Forman
Stephen Munno, Sr. Administrative Assistant
Scott Burton, Director of Environmental Management & Engineering
Robert Simon, Receiver of Taxes
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks-Rec & Building Maint.

Esta Baitler led the Pledge of Allegiance to the Flag.

Supervisor Whalen announced that May 15-21, 2011 is National Police Week.

James Dean, Superintendent of Highways, explained and presented the following awards:
Beautification Awards: Tom Boutas, American Dream Diner and Vincent HoSang, Caribbean Food Delights
Adopt-A-Spot – First Commercial/Residential: Blue Sky Landscape, Hector May, Nick Hogan and Paul Connell
Adopt-A-Spot – Five Year Anniversary: Pearl River Garden Club and Linda Lane Garden
2010 Excellence in Snow and Ice Control from the American Public Works Association:
Town of Orangetown Highway Department
Highway Perfect Attendance Award: Brian DeBonis, Mike Dillon, Anthony Limandri and Michael Yannazzone
2010 Retirees: Joe Metress and Tom Scully

The Summer Youth Employment Program

Dottie Dean and Brant Goldsmith, Principal of Summit School, brought the following students to receive an award because of their hard volunteer work in making the quality of life in Orangetown better over the past year.

Students:

Solomon Barnwell	Jonathan Georgens	Phillip Puppola	Angelina Bowkett
Kyle Gordon	Robert Ramer	Max Carleton	Alex May
Rachel Safran	Patrick Chmela	Christopher Melville	Phillip Simon
Richard Davis	Patricia Monje	Matthew Tegano	Matthew Field
	Brandon Price		

Work Supervisors - Shulton Whitley, Kyle Hassell, and Sy Samuals

Summary of Public Comments (RTBM):

Eileen Larkin, Palisades, promoted the Palisades Community Center flea market being held on April 30th and May 1st from 9 a.m. – 3 p.m.

RESOLUTION NO. 278**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. 279**APPROVE COMPREHENSIVE PLAN
CONTRACT/SACCARDI & SCHIFF**

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

RESOLVED, that the contract with Saccardi & Schiff, for the Town's Comprehensive Plan, in the amount of \$68,000.00, to be charged to Account No. B362045717 is hereby approved.

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

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RESOLUTION NO. 280**APPROVE SOUTH ORANGETOWN
COMMUNITY AWARENESS OF
SUBSTANCE ABUSE (SOCASA)
REQUEST/TEEN SCREEN PROGRAM**

Councilman Troy offered the following resolution, which was seconded by Councilman Diviny and on a roll call was adopted:

RESOLVED, that the request of SOCASA (South Orangetown Community Awareness of Substance Abuse), for the Teen Screen Program, in Tappan Zee and Pearl River High Schools, in the amount of \$1,000.00, to be charged to Account No. A4211457, is hereby approved.

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

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RESOLUTION NO. 281**PERFORMANCE BOND/RAMSAY
SUBDIVISION/ACCEPT/RECEIVE**

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

WHEREAS, Ramsay Realty Corp, as owner of certain property located at 110 Sparkill Street Sparkill, New York, (Tax Lot 77.08 Block 5 Lots 33) applied for and received subdivision and site plan approval from the Town of Orangetown Planning for said property pursuant to Planning Board decisions #2008-66, 2010-17 and 2011-01 for the project known as "Ramsay Subdivision" and

WHEREAS, pursuant to the aforesaid approvals, the Planning Board required that the applicant post a Performance Bond in the amount of \$51,426.00 to ensure the construction and completion of certain public improvements within the subdivision, and

WHEREAS, the applicant has submitted a fully executed Performance Bond dated March 31, 2011, along with an Assignment of Bank Account and Consent to Assignment of Bank account issued by Chase Bank, Sparkill, NY in the amount of \$51,426.00 naming the Town of Orangetown as beneficiary, as collateral for such Performance Bond, which Bond and

Resolution No. 281 - Continued

Assignment of Bank Account have been approved as to form and substance by the Town Attorney's Office,

NOW THEREFORE IT IS HEREBY RESOLVED THAT, the Town hereby formally accepts, receives and files with the Office of the Town Clerk a Performance Bond from Kevin Ramsay in favor of the Town of Orangetown with respect to the Ramsay Subdivision, 110 Sparkill Street, Sparkill, NY (Tax Lot 77.08 Block 5 Lots 33), which Performance Bond requires completion of certain public improvements no later than February 9, 2013, and

BE IT FURTHER RESOLVED THAT, the Town hereby formally accepts, receives and files with the Office of the Town Clerk an Assignment of Bank Account from Kevin J. Ramsay and Consent to Assignment from Chase Bank in the amount of \$51,426.00 in favor of the Town of Orangetown to be held as collateral for said Performance Bond, to be returned only upon satisfactory completion of said public improvements according to Planning Board decision 2011-01, any Town departments having jurisdiction thereof, and formal resolution of the Town Board.

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

Noes: None

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RESOLUTION NO. 282**PERFORMANCE BOND/622 ROUTE
303 SUBDIVISION/ACCEPT/RECEIVE**

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

WHEREAS, Suncap Property Group, as representative of the owner of certain property located at 622 Route 303, Orangeburg, New York, (Tax Lot 65.14 Block 1 Lot 11) applied for and received subdivision and site plan approval from the Town of Orangetown Planning Board for a subdivision and construction of a building, project name "Fed Ex", at that location pursuant to Planning Board decisions #10-36, #10-37, #11-16, and #11-17 and

WHEREAS, pursuant to the aforesaid subdivision and site plan approvals, the Planning Board required that the applicant post a Performance Bond in the amount of \$892,034.00 (Eight Hundred Ninety Two Thousand Thirty Four and 00/100 Dollars) to ensure the construction and completion of certain public improvements at the site and within the subdivision, and

WHEREAS, the applicant Suncap Property Group has submitted a fully executed Performance Bond dated March 25, 2011 (Bond #105567059) issued by Travelers Casualty and Surety Company of America as Surety and Panattoni Construction, Inc. as Principal and the Town of Orangetown as Obligee and Suncap Property Group as dual Obligee, in the amount of \$892,034.00 (Eight Hundred Ninety Two Thousand Thirty Four and 00/100 Dollars) as collateral for such Bond, which as been approved as to form and substance by the Town Attorney's Office, and

WHEREAS, the applicant Suncap Property Group has also submitted a fully executed Performance Bond dated April 7, 2011 naming Suncap Property Group as Principal and as dual Obligee under Bond #105567059 in favor of the Town of Orangetown as Obligee requiring Suncap Property Group to complete construction of public improvements within at the site and within the subdivision,

NOW THEREFORE IT IS HEREBY RESOLVED THAT, the Town hereby formally accepts, receives and files with the Office of the Town Clerk a Performance Bond from Panattoni Construction Inc. and Travelers Casualty and Surety Company of America (Bond #105567059) in favor of the Town of Orangetown with respect to the 622 Route 303 Subdivision and Site Plan, 622 Route 303 Orangeburg, NY (Tax Lot 65.14 Block 1 Lot 11), which Performance Bond requires completion of certain public improvements no later than March 18, 2013, and

BE IT FURTHER RESOLVED THAT, the Town hereby formally accepts, receives and files with the Office of the Town Clerk a Performance Bond from Suncap Property Group, LLC

Resolution No. 282 - Continued

as Principal and dual obligee under Bond #105567059 in factor of the Town of Orangetown with respect to the 622 Route 303 Subdivision and Site Plan, 622 Route 303 Orangeburg, NY (Tax Lot 65.14 Block 1 Lot 11), which Performance Bond requires completion of certain public improvements no later than March 18, 2013.

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

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RESOLUTION NO. 283**AUTHORIZE SUPERVISOR/SCHOOL
RESOURCE OFFICER/ROCKLAND
BOCES/YOUTH DETECTIVE**

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

RESOLVED, that the Supervisor is hereby authorized to sign the School Resource Office Agreement, with Addendum, with Rockland BOCES for the 2010-2011 school year. BOCES agrees to pay a partial reimbursement to the Town for the services of a Youth Detective in the amount of \$96,500.

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

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RESOLUTION NO. 284**SET PUBLIC HEARING DATE
AMEND TOWN CODE/CHAPTER 39
HEAVY TRUCKING**

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

RESOLVED, that a public hearing is scheduled for May 10th at 8:10 p.m. to amend Chapter 39, Article I, Section 39.11, entitled "Heavy Trucking" of the Town Code.

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

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RESOLUTION NO. 285**SET PUBLIC HEARING DATE
AMEND TOWN CODE/CHAPTER 8A
PUBLIC WORKS DEPARTMENT**

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 24th at 8 p.m. amending Chapter 8A of the Town Code of the Town of Orangetown, entitled Public Works Departments.

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

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RESOLUTION NO. 286**TAX CERTIORARI SETTLEMENT
ADVANCED ORANGEBURG, LLC**

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

Resolution No. 286 - Continued

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 *Advanced Orangeburg, LLC v. The Assessor of the Town of Orangetown, et al.*, Tax Map designation 73.20-1-33, for the tax assessment years 2007 through 2010, for a total refund by the County of \$1,258, a total refund by the Town of \$4,850 and a total refund by the School District of \$19,676. 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. 287

TAX CERTIORARI SETTLEMENT/PEARL RIVER MEDICAL & PROFESSIONAL OFFICE CONDOMINIUM

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 approved and authorize to sign the Stipulation and Order and Judgment Reducing Assessment regarding the tax certiorari proceeding *Mulberry Street Realty LLC and Pearl River Medical & Professional Office Condominium v. The Town of Orangetown, et al.*, Tax Map designation 68.20-2-10, for the tax assessment years 2006 through 2010, for a total refund by the County of \$5,950, a total refund by the Town of \$23,217 and a total refund by the School District of \$95,786. 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. 288

APPOINT/ANIMAL CONTROL OFFICER

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

RESOLVED, that upon the recommendation of the chief of Police, Everett M. Conklin is hereby appointed to the position of Animal Control Officer II (PT), effective April 27, 2011, at an hourly rate of \$23.00.

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

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RESOLUTION NO. 289

APPROVE/PROJECT GRADUATION FUNDING

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

RESOLVED, that Project Graduation funding as follows, to be charged to Account No. A4211457, is hereby approved.

Tappan Zee High School:	\$1500.00
Pearl River High School:	\$1500.00
Nanuet High School:	\$ 750.00
Nyack High School:	\$ 750.00

Resolution No. 289 - Continued

Albertus Magnus HS:	\$ 200.00
	\$4700.00

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

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RESOLUTION NO. 290**CERTIFICATE OF REGISTRATION/
2011 SEWER WORK**

Councilman Diviny offered the following resolution, which was seconded by Councilman Maturo 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 Travcon, Inc., 275 Kings Highway, Valley Cottage, NY 10989.

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

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RESOLUTION NO. 291**APPROVE AID/RELAY FOR LIFE**

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

RESOLVED, that aid to American Cancer Society Relay for Life, at the Central Avenue Field in Pearl River on June 17, 2011, by providing barricades and trash barrels and four port-o-sans (3 regular and 1 handicapped) for the event is hereby approved.

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

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RESOLUTION NO. 292**APPROVE SHOWMOBILE/NYACK
CHAMBER/NYACK STREET FAIR**

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

RESOLVED, that the use of the Showmobile for Sunday, April 17, 2011, for the Nyack Chamber of Commerce Springfest Streetfair, at a rental fee of \$350.00, with the Nyack Chamber of Commerce providing a certificate of insurance.

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

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RESOLUTION NO. 293**ACCEPT MINUTES**

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

RESOLVED, that the March 15, 2011 Executive Session minutes; the March 22, 2011 Regular Town Board Meeting, Audit Meeting and Executive Session minutes; and the April 5, 2011 Workshop and Executive Session minutes are hereby accepted.

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

RESOLUTION NO. 294

**THE NOBLE NINTH, INC. EXTENSION
LETTER AGREEMENT/SUMMER
CAMP/VERIZON WIRELESS/ACCESS
AGREEMENT/RECEIVED/FILED**

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

RESOLVED, that the fully executed originals of the following documents are received and filed in the Town Clerk’s Office:

The Noble Ninth, Inc. - Letter of Extension Agreement- Summer Day Camp
Verizon Wireless - Access Agreement-Lease

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

Noes: None

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RESOLUTION NO. 295

**BLUE HILL GOLF COURSE
RESTAURANT RFP/AUTHORIZE
NEGOTIATIONS**

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

RESOLVED, that the Supervisor and the Town Attorney are hereby authorized to begin negotiations with the chosen vendor to operate the restaurant at the Blue Hill Golf course.

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

Noes: None

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RESOLUTION NO. 296

ENTERED AUDIT

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

RESOLVED, that the Town Board entered the Audit Meeting at 8:45 p.m.

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

Noes: None

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RESOLUTION NO. 297

PAY VOUCHERS

Councilman Maturo offered the following resolution, which was seconded by Councilman Diviny 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 \$3,011,929.93.

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

Noes: None

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RESOLUTION NO. 298

ENTER EXECUTIVE SESSION

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

Resolution No. 298 - Continued

RESOLVED, that the Town Board entered Executive Session at 8:59 p.m.

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

Resolution Nos. 299 and 300 see Executive Session.

RESOLUTION NO. 301

ADJOURNMENT

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

RESOLVED, that the Town Board adjourned, in memory of Peter Fitzpatrick, Pearl River; George Rotelli, Nyack; Edward Brown, Sparkill (Det. Lt. James Brown's father); Barbara (Betty) Braun, Blauvelt (former employee, Ron Delo's mother-law); Margaret McCormack, Tappan; Eleanor Culik, Pearl River; Pricilla Lowery, Pearl River; Walter Gill, Pearl River; Donald Cote, Pearl River; Angela Hundgen, Blauvelt; Norbert Brothers, Pearl River; and Nicholas Durantino, Pearl River at 9:48 p.m.

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

Charlotte Madigan, Town Clerk