

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, MAY 10, 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
AnnMarie Hahr, Executive Assistant to the Supervisor
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways
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.

Troop 55 of Blauvelt led the Pledge of Allegiance to the Flag.

Supervisor Whalen read a proclamation for National Police Week - May 15-21, 2011 and he announced National Public Works Week is also May 15-21, 2011.

Ed O'Dea, member of the Substance Abuse Committee and the Orangetown Parks Development Advisory Committee, introduced Mike Scully of Pearl River. Mike read his letter that appeared in the Our Town on May 4th regarding a skateboard park. He spoke about how he and a few friends brought some ramps and ledges to Cherry Brooke Park for riding their bikes, skateboarding, scootering and rollerblading. The word spread quickly and everyone was having fun. He requested a designated area in the Town for a skateboard park.

Ed O'Dea said this is very important to the Substance Abuse Committee because it is an alternative activity for youths. It is very important to understand that when we say a skateboard park, we are not talking about a big elaborate park. Just add some ramps and rails to an existing park or designate an area on the grounds of RPC.

Summary of Public Comments (RTBM):

Marty Dunn, Tappan and Sgt in Arms for the Orangetown PBA, is in support of a skateboard park. He suggested the abandoned tennis courts on the grounds of Rockland Psychiatric Center, or within the parks of Orangetown.

Esta Baitler, Consumer Advocate for Cathy Lukens Home, said the Town Board should not air their arguments. She spoke about sewer odors, train noise and traffic lights, sidewalks and speeding on Route 340.

Sarah Anderson, Nyack, sees skateboarding being a popular sport. There is no real place for the skateboarders. She is in favor of a park.

Lubins Fortere, Nyack, considers skateboarding to be very creative. He says it is hard to skateboard around Orangetown. He believes having a park would be a good thing.

Vinny Raffa, Valley Cottage, said skateboarding keeps youths out of trouble. He suggested starting with the RPC tennis courts. In order to keep it active, you need to have events and contests.

James Castagna, Sparkill, said the Orangetown Parks Development Advisory Committee (OPDAC) has met with Sarah Anderson and are favor of this project.

RESOLUTION NO. 306

CLOSE PUBLIC COMMENTS

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

Resolution No. 306 - Continued

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. 307**OPEN PH/LL TO AMEND TOWN CODE/SENIOR CITIZEN HOUSING**

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 amend the Town Code, Chapter 43, Zoning, Article XI, Section 11.2 entitled "Senior Citizen Housing" 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 05-A-11 and made a part of these minutes.

Robert Magrino, Deputy Town Attorney, explained why the Meadows made a petition to the Town Board to change the senior citizen housing age from 62 years old to 55 years old. When the Meadows and Cortwood Village were built, they were built under the Senior Citizen Housing section of the law. The law defined Senior Citizen as being age 62. Since that time, the Town has incorporated a PAC zone (Planned Adult Community), which provides for senior housing for people age 55 and over. The Meadow's has petitioned that the age in the senior citizen law be changed from 62 to 55.

Summary of Public Comments:

Ira Emanuel, Attorney for the Meadows, said it was mentioned at a Workshop, whether it would make more sense to re-zone this property, PAC. An analysis was done, and it is clear that this complex does not meet most of the PAC requirements. He submitted a petition from 44 of the 59 residents that support this change.

Tom Coffey, Pearl River, said there is not enough parking, particularly when it snows. He does not see where opening it up to 55 is going to improve the sale value of the units.

Andrew Wiley, Pearl River, is in favor of changing the age.

Regina Blake, Pearl River, is in favor of the age change. She said there are 54 units each with 1 ½ designated parking spaces, which is more than enough, except when it snows.

RESOLUTION NO. 308**CLOSE PH/LL TO AMEND TOWN CODE/SENIOR CITIZEN HOUSING**

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

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

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

Noes: None

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RESOLUTION NO. 309**LEAD AGENCY/LL TO AMEND TOWN CODE/SENIOR CITIZEN HOUSING**

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

Resolution No. 309 - Continued

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

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

Noes: None

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RESOLUTION NO. 310**SEQRA DECLARATION/LL TO AMEND
TOWN CODE/SENIOR CITIZEN HOUSING**

Councilwoman Low-Hogan 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, (Exhibit 05-B-11) is hereby adopted.

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

Noes: None

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RESOLUTION NO. 311**ADOPT/LOCAL LAW 3, 2011/AMEND
TOWN CODE/SENIOR CITIZEN HOUSING**

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

WHEREAS, the Town Zoning Code currently provides for “Senior Citizen Housing” in Article 43, Section 4.32(G) thereof, in certain areas of the Town by way of the granting of a Special Permit by the Town Board, and

WHEREAS, “Senior Citizen Housing” is only permitted in RG, CS, CC, CO and MFR Zoning Districts and only on land owned by the Town at the time of application for a Special Permit; and

WHEREAS, the Town Zoning Code also provides for “Planned Adult Community floating zone” (PAC Zone) in R-80; R-40; R-22 and LI Zoning Districts, with the exception of conversions of existing buildings, and

WHEREAS, the PAC Zone provides for residency by occupants who are 55 years of age or older, or couples, one of whose members is 55 years of age or older, and

WHEREAS, the Senior Citizen Housing is defined in Article 43, Section 11.2 as residency by a person who has attained the age of 62 years or a person who has attained the age of 55 years who is physically handicapped, and

WHEREAS, the Board of Managers of The Meadows at Pearl River Condominium have petitioned the Town Board to amend the Town Zoning Code to amend the definition of “Senior Citizen” from age 62 to 55 so that owners of property thereat may market their units to a broader range of persons, consistent with the PAC Zone which provides for residency at age 55, and

WHEREAS, the Town Board recognizes that such a change would benefit the Town by providing for much needed adult housing in the Town, because more residents would be eligible to reside in such Senior Citizen Housing currently located at The Meadows, and any other project granted a Special Permit pursuant to that section of the Town Code,

NOW, THEREFORE, the Town Board hereby adopts the following Local Law to change the definition of “Senior Citizen” in Article 43, Section 11.2 as follows:

Resolution No. 311 - Continued

SENIOR CITIZEN HOUSING:

A. SENIOR CITIZEN – A person having attained the age of fifty-five (55) years.

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

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RESOLUTION NO. 312

OPEN PH/LL TO AMEND TOWN CODE ESTABLISHING THE POSITION OF ALTERNATE ZONING BOARD MBR

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

RESOLVED, that the 8:05 p.m. public hearing to amend the Town Code, Chapter 43, Zoning, Section 10.31, relating to membership on the Zoning Board of Appeals is hereby opened.

Ayes: Councilpersons Troy, Low-Hogan, 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 05-C-11 and made a part of these minutes.

John Edwards, Town Attorney, explained this is to cover a circumstance where an application could not move forward because of the absence or conflict of a Zoning Board member.

Summary of Public Comments:
Andrew Wiley, Pearl River, is in favor of this amendment.

RESOLUTION NO. 313

CLOSE PH/LL TO AMEND TOWN CODE ESTABLISHING THE POSITION OF ALTERNATE ZONING BOARD MEMBER

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

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

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

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RESOLUTION NO. 314

LEAD AGENCY/LL TO AMEND TOWN CODE ESTABLISHING THE POSITION OF ALTERNATE ZONING BOARD MEMBER

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

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

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

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RESOLUTION NO. 315**SEQRA DECLARATION/LL TO AMEND
TOWN CODE/ESTABLISHING THE
POSITION OF ALTERNATE ZONING
BOARD MEMBER**

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, (Exhibit 05-D-11) is hereby adopted.

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

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RESOLUTION NO. 316**ADOPT LL 4, 2011/ESTABLISHING THE
POSITION OF ALTERNATE MEMBER OF
THE ZONING BOARD OF APPEALS**

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

WHEREAS, § 267(11) of the N.Y.S. Town Law authorizes the Town Board to adopt a Local Law establishing the position of an alternate zoning board of appeals (“ZBA”) member to substitute for a regular member of the ZBA, in the event of a conflict of interest; and

WHEREAS, pursuant to the provisions of the N.Y.S. Municipal Home Rule Law, the Town Board may also adopt local laws, not otherwise specifically authorized, that are not inconsistent with the provisions of the State and Federal Constitutions, and not inconsistent with any general law; and

WHEREAS, the Town Board has determined that it is in the best interests of the Town to establish the position of alternate member of the ZBA, to substitute for a regular member both in the event of a conflict of interest, and when a regular member shall be unavailable, or otherwise unable to review an appeal, application or other matter before the ZBA,

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby adopts Local Law No. 4 of 2011.

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

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**Local Law No. 4 of 2011 of the Town of Orangetown
Alternate Member of the Town Zoning Board of Appeals**

Be it enacted by the Town Board of the Town of Orangetown, that Chapter 43 (Zoning) § 10.31 of the Code of the Town of Orangetown, relating to membership on the Town Zoning Board of Appeals, be and hereby is amended, as follows:

Section 1: There shall be a new section 10.311 added to Chapter 43 to be entitled “Alternate member”, which section shall read as follows:

10.311. Alternate member. (a). The Town Board, in its discretion, may further appoint one alternate member to the Board of Appeals, who shall serve when there is a conflict of interest precluding participation by a regular member, or when a regular member shall otherwise be unable or unavailable to review, hear and determine an appeal.

(b) The chairperson of the Board of Appeals may designate the alternate member to

Local Law 4, 2011 - Continued

substitute for a regular member when such regular member is unable to participate because of a conflict of interest on an application, or any matter before the Board or when a regular member shall be unable or unavailable to review, hear and determine an application or appeal. When so designated, the alternate member shall possess all the powers and responsibilities of such regular member of the Board. Such designation shall be entered into the minutes of the initial Board of Appeals meeting, at which the substitution is made.

(c) All provisions of this section relating to Zoning Board of Appeals member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service on other boards, shall also apply to an alternate member.

(d) The term of office of the alternate member of the Zoning Board of Appeals shall be one-year.

Section 2: This Local Law is adopted pursuant to N.Y.S. Municipal Home Rule Law §§ 10(1)(ii)(a)(1), 10(1)(ii)(a)(12), 10(1)(ii)(a)(14), and/or 10(1)(ii)(d)(3), and supersedes the provisions of N.Y.S. Town Law § 267(11) insofar as § 267(11) limits the establishment service or appointment of alternate members to instances involving a conflict of interest.

Section 3: This Local law shall take effect immediately upon its filing with the Secretary of State.

RESOLUTION NO. 317

**OPEN PH/POLICE REGULATION
TOWN CODE/VEHICLES & TRAFFIC
HEAVY TRUCKING COMMERCIAL**

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

RESOLVED, that the 8:10 p.m. public hearing to amend the Town Code, Chapter 39, Vehicles and Traffic, Article 1, Section 39.11, "Heavy Trucking" is hereby opened.

Ayes: Councilpersons Maturo, Low-Hogan, Troy, 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 05-E-11 and made a part of these minutes.

Summary of Public Comments:

The public portion was opened and there were no comments.

RESOLUTION NO. 318

**CLOSE PH/POLICE REGULATION
TOWN CODE/VEHICLES AND TRAFFIC
HEAVY TRUCKING COMMERCIAL**

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

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

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

Noes: None

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RESOLUTION NO. 319**LEAD AGENCY/POLICE REGULATION
TOWN CODE/VEHICLES & TRAFFIC
HEAVY TRUCKING/COMMERCIAL**

Councilman Troy offered the following resolution, which was seconded by Supervisor Whalen 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. 320**SEQRA DECLARATION/POLICE
REGULATION TOWN CODE/VEHICLES &
TRAFFIC/HEAVY TRUCKING
COMMERCIAL**

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilman Troy 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, (Exhibit 05-F-11) is hereby adopted.

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

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RESOLUTION NO. 321**ADOPT LOCAL LAW 5, 2011/POLICE
REGULATION/TOWN CODE
VEHICLES & TRAFFIC/HEAVY
TRUCKING/COMMERCIAL**

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

WHEREAS, several homeowners living on Lexington Avenue and Concord Drive in the Hamlet of Tappan have complained to the Traffic Advisory Board about excessive commercial traffic in their neighborhoods;

WHEREAS, the Traffic Advisory Board and the Traffic Technical Advisory Committee have looked into the issues;

WHEREAS, the Traffic Advisory Board and the Traffic Technical Advisory Committee recommend that the Town Board pass this proposed local law;

WHEREAS, the Highway Department recommends that the Town Board pass this proposed local law;

WHEREAS, the Police Department recommends that the Town Board pass this proposed local law;

RESOLVED, that the Town Board hereby adopts Local Law No. 5 of 2011, amending Chapter 39 of the Town Code of the Town of Orangetown.

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

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**LOCAL LAW NO. 5 of 2011 OF THE TOWN OF ORANGETOWN,
AMENDING CHAPTER 39, VEHICLES AND TRAFFIC, RELATING TO TRAFFIC ON
LEXINGTON ROAD, TAPPAN**

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

Section 1. § 39-11 shall be modified as follows:

§ 39-11. Heavy trucking.

It shall be unlawful for trucks having a gross weight of vehicle plus load in excess of five tons to travel over the following highways, except when engaged in the delivery of merchandise, or other property along such highways:

....

E. In the Hamlet of Tappan.

- (1) Jane Street between Washington Street and Oak Tree Road.
- (2) Washington Place between Washington Street and Oak Tree Road.
- (3) Campbell Avenue between Route 303 and Washington Street.
- (4) Oak Tree Road from Route 9W to Route 303.
- (5) Summit Street between Old Tappan Road and Washington Avenue.
- (6) Andre Hill and Andre Avenue between Old Tappan Road and Main Street.
- (7) Brandt Avenue between Old Tappan Road and Main Street.
- (8) Lexington Road.
- (9) Concord Drive.
- (10) Lawrence Street.

Section 2.

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

RESOLUTION NO. 322

**OPEN PH/LL TO REPEAL-REPLACE
TOWN CODE CHAPTER 24-PARKING
LOTS**

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

RESOLVED, that the continuation of the public hearing to repeal and replace the Town Code, Chapter 24, Parking Lots-Municipal, is hereby opened.

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

Robert Magrino, Deputy Town Attorney, said we have a letter from Rockland County Planning and John Saccardi, indicating they support the adoption of this local law.

James Dean, Superintendent of Highways, explained issues over the past years and why 24/7 and overnight parking is being recommended. We had a lot of utilization of our three off-road parking lots, because of competition of people that were commuting. Since Metro-North has added lots, the demand for our spaces has reduced. Tenants park overnight on the streets because they have no place to park, which causes street maintenance issues. As for permit fees, if you take an average parking space, at \$.25 an hour for nine hours equals \$2.25 a day, for 300 days equals \$675.00 for the year.

Summary of Public Comments:

Andrew Wiley, Pearl River, believes 24/7 parking is not legal. Town funds are paying for issuance of tickets and meters. This should not be passed, until a parking study is done. This law is being tailored to enrich a private developer.

RESOLUTION NO. 323

**CLOSE PH/LL TO REPEAL-REPLACE
TOWN CODE CHAPTER 24-PARKING
LOTS**

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

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

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

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RESOLUTION NO. 324

**LEAD AGENCY/LL TO REPEAL-REPLACE
TOWN CODE CHAPTER 24-PARKING
LOTS**

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. 325

**SEQRA DECLARATION/LL TO REPEAL-
REPLACE TOWN CODE CHAPTER 24-
PARKING LOTS**

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilman Troy 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, (Exhibit 05-G-11) is hereby adopted.

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

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RESOLUTION NO. 326

**ADOPT LOCAL LAW 6, 2011/REPEAL-
REPLACE TOWN CODE CHAPTER
24-PARKING LOTS-MUNICIPAL**

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

WHEREAS, this Local Law is following the mandate of the Town of Orangetown’s Comprehensive Plan for the revitalization of the Town business districts, which encourages the development of residential housing units above commercial spaces in downtown areas; and

WHEREAS, the Town Board is interested in the redevelopment of the downtown business district of the Hamlet of Pearl River; and

WHEREAS, the Town Board is mindful of meeting the need for sufficient off-street parking within the downtown Pearl River Business District area; and

WHEREAS, the Town Board has provided for parking in the Business District of Pearl River, by the installation of meters in parking areas and municipal parking lots, to assist and aid the businesses and residents in this District; and

Resolution No. 326 - Continued

WHEREAS, there exist municipal parking lots within walking distance from buildings within the Pearl River Business District; and

WHEREAS, the Town and the downtown Pearl River area can receive much needed additional income from their currently underutilized municipal parking lots, while providing parking for resident, merchants and commuters; and

WHEREAS, the Town Board is mindful of the need to receive necessary funding for the maintenance, repair and enhancement of existing municipal parking lots, and the building of future municipal parking lots and/or spaces within the down town Pearl River area; and

NOW, THEREFORE, the following Local Law related to the use of municipal parking spaces and capital contributions for parking development in downtown Pearl River is hereby adopted:

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

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**LOCAL LAW NO. 6 of 2011 OF THE TOWN OF ORANGETOWN,
REPEALING-REPLACING CHAPTER 24 PARKING LOTS, MUNICIPAL**

ARTICLE I

§24.1 Provisions governing permit parking in municipal parking lots.

§24.2 Metered parking in municipal lots

§ 24-3. Penalties for offenses.

§24.1 Provisions governing permit parking in municipal parking lots.

1(A). The Town shall permit use of its Town's parking lots for parking of motor vehicles located in the down town Pearl River area for "Commuter Parking", "Merchant Parking", "Twenty Four/Seven Parking" and "Overnight Parking"

1(B). The municipal parking lots to which this section shall apply are the following Town owned lots: Parking Lot No. 1 located between East Washington Avenue and East Central Avenue; Parking Lot No. 2 located on the south side of William Street, south of Franklin Avenue; Parking Lot No. 3 located on the corner of East Washington Avenue and North William Street.

1(B). A "Twenty Four/Seven Permit" is a parking permit which allows for resident parking twenty four hours a day, seven days a week, in certain designated spots within a Town's parking lot, designated by the Superintendent of Highways.

1(C). An "Overnight Parking Permit" shall permit resident parking in a parking space within a Town's parking lot, designated by the Superintendent of Highways, for off-street overnight parking for people who reside in the down town Pearl River area as defined herein; although all such "Overnight Parking" shall be restricted to parking between the hours of 8:00 p.m. to 8:00 a.m.

1(D). A "Commuter Parking Permit" shall permit parking in a space within a Town's parking lot, designated by the Town Superintendent of Highways for off-street commuter parking between the hours of 6:00 a.m. and 11:00 p.m.

1(E). A "Merchant Parking Permit" shall permit parking in a space within a Town's parking lot, at metered spaces (at appropriate meter fees) contained therein.

2(A). Designation of spaces for use by holders of a "Twenty Four/Seven Permit", "Overnight Parking Permit", "Commuter Parking Permit", and "Merchant Permit" holders shall be made by the Superintendent of Highways, upon consultation with the Town Board.

Local Law 6, 2011 - Continued

2(B). “Twenty Four Seven Parking Permits”, “Overnight Parking Permits”, “Commuter Parking Permits” and “Merchant Parking Permits” are to be issued by the Town Clerk on the basis of the criteria set forth herein.

3(C). The Town Board, by separate resolution, shall, in its sole discretion, set the permit fee for all parking permits as defined hereinabove.

3(D). The “Twenty Four/Seven Parking” and “Overnight Parking” permits shall be obtainable and made available to residents of the Town of Orangetown who reside primarily in a residence located in downtown Pearl River, and “Merchant Parking Permits” shall be obtainable and made available to any owner or lessee of any real property used for commercial and/or business purposes located in down town Pearl River, that being any real property (residence or business) located on and between the following streets: North Henry Street from its intersection with East Washington Avenue south to South Henry Street where it meets S. Middletown Road; Franklin Avenue from its intersection with Henry Street west to South William Street; South William Street south to its intersection with Jefferson Avenue; Jefferson Street west to its intersection with NYS Route 304 (Pearl Street); NYS Route 304 (Pearl Street) north to its intersection with Washington Avenue; Washington Avenue from its intersection with Route 304 (Pearl Street) east to its terminus at Middletown Road.

Every individual applying for one of these permits must submit proof that he/she is an individual so eligible to receive such a permit. Said proof shall consist of an original of any two of the following documents; or such other documentation acceptable to the Town Clerk.

- a. A deed to real property located within boundaries set forth herein.
- b. A current lease to any real property located within the boundaries set forth herein.
- c. A current driver’s license setting forth the residence within the boundaries set forth herein.
- d. A current motor vehicle registration certificate setting forth a residence within the boundaries set forth herein.
- e. A voter’s registration card setting forth a residence within the boundaries set forth herein.
- f. A current utility bill setting forth a residence within the boundaries set forth herein.
- g. A signed, notarized letter from the owner or lessee of any real property located within the boundaries set forth herein certifying that the individual applying for such permit is an agent, servant and/or employee of such owner or lessee, along with one of the above (a-f) for such owner.

3.(E) The “Commuter Parking” permit shall be made available to residents of the Town of Orangetown. If space permits, residents of the County of Rockland may also be issued such permits.

4. Additional parking fee rules, requirements and responsibilities are:
 - a. Applications must be filled out completely and accurately.
 - b. Copy of current vehicle registration, a valid New York State Driver’s License, and proof of existing automobile liability insurance, shall be required at time of issuance of permit.
 - c. Permit Holders must notify the Town Clerk and the Superintendent of Highways immediately of any changes with respect to residency/ownership.
 - d. Stickers may not be transferred to another vehicle.
 - e. Every permit holder must provide for his or her own snow and ice removal, as needed.
 - f. Replacement permits will be issued only if original permit sticker is removed and returned. In no event, however, will permit refunds be issued.
 - g. Each permit shall expire after a one year period, subject to renewal and/or re-application with proof of continued residence and

Local Law 6, 2011 - Continued

- h. payment of appropriate annual fees to the Town Clerk as set by the Town Board.
 - i. All vehicles receiving permits pursuant to this section and parked in the municipal parking lots must be currently registered, insured, have proper inspection certificate, and be in operable condition.
 - j. The parking of commercial vehicles in the municipal lots is prohibited.
 - k. Parking in municipal parking lots shall be for personal parking use only, and not for storage of vehicles. Permits are not transferable.
 - l. Holders of “Twenty-Four Seven” permits may be required to remove their vehicles from a particular parking spot, upon 48 hours notice from the Town, for regular site maintenance and/or snow removal. Each such permit holder shall provide at least two forms of contact information (e.g. telephone number, email address, postal address, third party telephone number etc.) on their application. Any vehicle not removed upon delivery of notice by the Town will be considered illegally parked and result in removal of the vehicle from the lot pursuant to the provisions of §24-3 (C) of this chapter.
5. The term “individual”, as used herein, means a natural person.
6. The holder of any permit issued under this Chapter acknowledges and expressly agrees that parking in any downtown municipal parking lot is at the permit holder’s risk and the permit holder further agrees to hold the Town of Orangetown and its Highway Department harmless for any claim of harm or damage to permit holder’s vehicle resulting from parking in said municipal lot.
7. Alternative procedure; money in lieu of parking spaces: Where the Planning Board and/or Town Board, depending upon which Board has jurisdiction over a particular site development plan or permit for a project located within the CS Zoning District in downtown Pearl River, after consultation with the Superintendent of Highways, deems, that said plan does not allot the requisite number of parking spaces as required by the Orangetown Zoning Code, the Planning Board and/or Town Board as the case may be, may modify or waive the requirement for such parking spaces provided that the applicant deposit with the Town, prior to the signing of the site plan by the Clerk of the Boards or other designated individual, or if no site plan is required, prior to the issuance of any building permits, a cash payment in lieu of parking spaces. Such deposit shall be placed in a special fund, and each such deposit shall be separately identified to show the name and location of the site development plan for which the deposit was made. Such deposit shall be used by the Town for the maintenance, repair, and upkeep of the municipal lots, the development of future parking, the rehabilitation or improvement of existing parking and/or any other parking needs within the boundaries set forth herein. The Planning Board and/or Town Board shall determine the amount to be deposited based on the formula established by resolution of the Town Board. Notwithstanding the foregoing, residents must still pay the appropriate permit fee in order to obtain a “Twenty Four/Seven” or “Overnight” parking permit pursuant to this Chapter.
8. Nothing in this law shall be construed so as to guaranty any resident a parking permit or any permit holder a particular parking spot or the availability of a parking spot at any given time.

§ 24-2. Metered parking in municipal lots.

It shall be unlawful for any vehicle to be parked in Pearl River Municipal Parking Lot No. 1, No. 2, No. 3, or any other off street municipal parking lot in Pearl River, except in compliance with the terms and provisions of this article.

- 1. Metered areas. In all metered portions of the Pearl River Municipal Parking Lots, no vehicle shall be parked without payment of the parking meters installed therein, at rates which are to be set by Town Board resolution.

Local Law 6, 2011 - Continued

2. Meters in the Pearl River Municipal Lots shall be in operation between the hours of 6:00 a.m. and 6:00 p.m. Monday through Saturday; Sundays and holidays are excepted.
3. Holders of permits for Commuter, Overnight, and Twenty Four Seven parking do not have to pay for parking at metered spots designated as available for parking by such permit holders. Merchant Parking permit holders must pay the meters as directed.
4. No parking is permitted in non-metered parking spots in Pearl River Municipal Parking Lots, except by appropriate permit.

§ 24-3. Penalties for offenses.

A. For all parking violations within Pearl River Municipal Lots 1, 2 and 3 or any other off street municipal parking lot located in Pearl River, including violations regarding permit and/or metered parking, the registered owner of a vehicle who incurs a first violation within a one (1) year period shall be assessed a \$15.00 fine; a registered owner of a vehicle who incurs a second violation within a one (1) year period shall be assessed a \$25.00 fine, and a registered owner of a vehicle who incurs a third, or more, violation within a one (1) year period shall be assessed a \$50.00 fine per violation. However, for each registered owner of a vehicle ticketed for a lot meter violation, he/she must complete one (1) full year without being convicted or a lot parking meter violation before his/her fine status shall revert to “first violation within a one (1) year period” status. For convenience, the aforesaid fine schedule is set forth in Table 1 below:

TABLE 1

For all Pearl River Municipal Lot violations, the following fine schedule is applicable to the registered owner of the vehicle:

No. of Violations Per Year	Fine per Violation
One (1)	\$15.00
Two(2)	\$25.00
Three (3) or more	\$50.00

Fines revert to the beginning of the schedule ONLY after one (1) full year with no violations.

B. A violation of any provision of this chapter shall constitute an offense against this chapter.

C. 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 of five (5) continuous hours, 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. 327

**APPROVE PARKING PERMIT
OCCASIONAL COMMUTER**

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

Resolution No. 327 - Continued

RESOLVED, that an Occasional Commuter parking permit is hereby approved.

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

* * *

RESOLUTION NO. 328 PARKING PERMIT FEES

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

WHEREAS, pursuant to the newly enacted Chapter 24 of the Town Code, entitled “Parking Lots, Municipal” the Town Board is authorized to determine and set the fees for permits to be issued pursuant to said Chapter and the meter rates for parking at meters in these lots; and

WHEREAS, the Town Board having taken into consideration the parking needs of the community in down town Pearl River and the costs involved in administering the permitting process and enforcement,

NOW THEREFORE IT IS HEREBY RESOLVED THAT, the Town hereby sets the fees for parking permits pursuant to §24.1(3)(C) of the Town Code as follows:

- For “Twenty Four/Seven” permits, the fee shall be \$900.00 per year;
- For “Commuter” permits, the fee shall be \$190.00 per year, \$100.00 per ½ year,
- For “Occasional Commuter” permits, the fee shall be \$10.00 per year plus \$2.00 meter fee for 16 hours.
- For “Overnight” permits, the fee shall be \$600.00 per year;
- For “Merchant” permits, the fee shall be \$10.00 per year plus \$1.00 meter fee for 9 hours.

BE IT FURTHER RESOLVED THAT, the Town, pursuant to §24.2(1) hereby sets the meter rates for parking in Municipal Parking Lots as follows: \$.25

BE IT FURTHER RESOLVED THAT, these fees shall remain in effect until further resolution of the Town Board.

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

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RESOLUTION NO. 329 APPROVE SHOWMOBILE PIERMONT PAL

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

RESOLVED, that use of the Showmobile for the Piermont Roots Festival sponsored by the Piermont PAL for Monday, September 5, 2011 from 9:30 am to 6:30 pm for a rental fee of \$350.00 and a certificate of insurance listing the Town of Orangetown as additionally insured is hereby approved.

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

* * *

RESOLUTION NO. 330 APPROVE AID/ORANGEBURG FIRE DEPARTMENT/CARNIVAL

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

Resolution No. 330 - Continued

RESOLVED, that aid to the Orangeburg Fire Department for their annual Carnival, which will be held June 1 -5, 2011, at the Dominican College parking lot, by providing 25 garbage cans (large barrels), 20 barriers for traffic & pedestrian control, and one dumpster is hereby approved.

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

* * *

RESOLUTION NO. 331**AWARD BID/IRA WICKS ARBORISTS**

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

WHEREAS, the Superintendent of Parks and Recreation duly advertised for sealed bids for Tree Removal and Pruning, to perform work on an as needed basis, which were received and publicly opened on April 14, 2011. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 05-H-11, and made a part of these minutes.

NOW, THEREFORE, BE IT RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, this bid is hereby awarded to Ira Wicks Arborists of Spring Valley, NY, the lowest qualified bidder.

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

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RESOLUTION NO. 332**ACCEPT MINUTES**

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

RESOLVED, that the April 12, 2011 Regular Town Board Meeting, Audit Meeting and Executive Session minutes; and April 19, 2011 Executive Session minutes are hereby accepted.

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

* * *

RESOLUTION NO. 333**DOCUMENTS RECEIVED/FILED
TOWN CLERK'S OFFICE**

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

RESOLVED, that Central Nyack Fire District's independent audit for year ended December 31, 2010 and the letter to NYSDEC-Division of Water, Region 3, dated April 15, 2011, in response to their Notice of Violation, dated March 29, 2011 are received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 334**BLUE HILL GOLF COURSE CLUB
HOUSE RENOVATION PROJECT
APPROVAL OF CHANGE ORDER NO. 1**

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

Resolution No. 334 - Continued

RESOLVED, that upon the recommendation of the Director of DEME and the Director of Parks and Recreation, Change Order No. 1 to Contract 1-G, in the amount of \$ 90,745.00, for Divine Construction is hereby authorized for approval. The change order is for the remediation and asbestos abatement of an excavated area in the zone of the active Pro Shop and Club House Facility. The asbestos to be remediated is within an abandoned, backfilled and buried basement boiler room containing approximately 75 cubic yards of RACM (Regulated Asbestos-Containing Material), including but not limited to contaminated soil, boiler, tank and piping. The above cost is based on estimated excavation and removal of RACM, exact quantities will be determined once remediation takes place. This amount is covered within the Project Budget.

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

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RESOLUTION NO. 335

**TABLED/APPROVE RETENTION OF
 LEGAL COUNSEL/DECOTUS,
 FITZPATRICK AND COLE, LLP
 ROCKLAND PSYCHIATRIC
 CENTER/CHILDREN’S CENTER**

Under new business, Councilman Maturo offered the following resolution, which was seconded by Councilman Diviny and on a roll call was unanimously **TABLED**:

WHEREAS, the Town Board has determined that the issues surrounding the remediation and development of the lands of the Rockland Psychiatric Center are so varied and complex as to warrant the retention of outside legal counsel; and

WHEREAS, the Supervisor and other members of the Town Board have solicited and interviewed different law firms possessing the requisite knowledge and legal skills in the varied legal disciplines necessary to serve the needs of the Town at this critical time; and

WHEREAS, the Town Board has concluded that the law firm of DeCotus, Fitzpatrick & Cole LLP can best meet the specific needs of the Town.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board approves the retention of the law firm of DeCotus, Fitzpatrick and Cole, LLP, at a blended hourly rate of \$250.00 per hour, as set forth in the proposed retainer agreement, incorporated herein by reference, and otherwise in a form to be approved by the Town Attorney; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to sign the said retainer agreement.

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

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RESOLUTION NO. 336

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 9:50 p.m.

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

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RESOLUTION NO. 337**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 \$1,273,914.67.

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

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RESOLUTION NO. 338**ENTER EXECUTIVE SESSION**

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

RESOLVED, that the Town Board entered Executive Session at 9:55 p.m.

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

Resolution Nos. 339 and 340 see Executive Session.

RESOLUTION NO. 341**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 Mary Lou Buck, Town employee, Liz Buck's sister-in-law; Lorraine Guerci, Pearl River –Chief Nulty's mother-in-law; Joseph Coffey, Pearl River, Connie McManus, Pearl River; S. Richard Liberth, Pearl River; Frances Barbera, Blauvelt – Rockland County Sheriff Chief Barbara's mother; George Pacella, Orangeburg; Vivian Sferlazza, Pearl River; Mary King, Pearl River; and Mary Behringer, Blauvelt, at 10:30 p.m.

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

Charlotte Madigan, Town Clerk