

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, MAY 11, 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
Teresa Kenny, First Deputy Town Attorney
AnnMarie Hahr, Executive Assistant to the Supervisor
Charles Richardson, Director of Finance
Ron Delo, Director of the Dept. of Env'tl Management & Engineering
Robert Simon, Receiver of Taxes
John Giardiello, Director of OBZPAE
Aric T. Gorton, Superintendent Parks-Rec. & Building Maint.

Charlotte Madigan led the Pledge of Allegiance to the Flag.

The South Orangetown Ambulance Corps will hold a Care Link CPR Class on Saturday, May 15th from 8:30 am to 12:00 pm at Orangetown Town Hall.

The Town Board designated May 9-15, 2010 as National Police Week

Summary of Public Comments (RTBM):

Jim Castagna, Sparkill, spoke about the character and make up neighborhoods and his involvement with Town committees. He supports the resolution for funding to do two studies for a Park and Ride at the American Legion in Sparkill.

Michael Mandel, Pearl River, is against waiving building and Board application fees. He asked if the Tier II/III pump stations costs are part of the bond.

Eileen Larkin, Palisades, spoke about the Palisades Community Center fundraisers for support. She is against waiving any fees and she asked if flushing out the sewer lines could be done.

Habib Hasan, Pearl River, spoke about a letter in a newspaper against Councilman Troy. He salutes Councilman Troy's consistency.

Michael Kelly, Pearl River, spoke about difficult situations for him and his children. He believes it's a conflict that the Town Board is also the Police Commission.

Brian Condon, attorney for Fanshawe Inc., believes Valentine Electric's bid was not complete and is not qualified to be awarded the Tier II/III Pumping Stations bid.

Dan Sherman, Sparkill resident and Commuter Task Force member, supports the John Perry Post site for a commuter parking lot.

Mike DiMeglio, Sparkill, also supports the John Perry Post site for a commuter parking lot.

Wendy Lee MacDowell, Sparkill, is anxious for the park and cross walks to be finished. The cross walks will be safer for children and pedestrians. A bus stop and a bicycle stand are needed in town.

William Shirghio, Sparkill, supports the commuter parking lot at the American Legion Post.

Martyn Ryan, Piermont, said the environmental United Water rate increased should be opposed and the deadline for comments to the Public Service Commission is May 15th.

Paul Valentine, Valentine Electric, defended himself regarding his bid. He intentionally put in a zero for mobilization and demobilization because his business is close and there is no need for it.

Guy Gervasti, West Nyack, spoke about swapping pool and golf course services between Orangetown and Clarkstown, to bring more revenue into the Town.

Kevin Kilner, Sparkill, supports funding for the studies for a Park and Ride in Sparkill.

RESOLUTION NO. 298

CLOSE PUBLIC COMMENTS

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

Resolution No. 298 – Continued

RESOLVED, that the public portion is hereby closed.

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

Noes: None

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RESOLUTION NO. 299**OPEN CONTINUANCE PH/ORANGE &
ROCKLAND UTILITIES/TRANSITION
TOWER SPECIAL PERMIT**

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

RESOLVED, that the 8:00 p.m. continuance of public hearing to consider the application of Orange & Rockland Utilities, pursuant to the provisions of Chapter 43 of the Town Zoning Law, Table of General Use Regulations for the R-80 zoning district at Col. 3, Town Board No. 5 (expressly made applicable to the R-22 zoning district), for 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 opened. The proposed project will be located in an existing Orange & Rockland right-of-way south of Orangeburg Road (a/k/a Veterans Memorial Drive), approximately 300 ft± west of the intersection of Lester Drive on property bearing Tax Map designation Section 74.09, Bl. 2, Lot 2 on the Tax Map of the Town of Orangetown.

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

Noes: None

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RESOLUTION NO. 300**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:

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 June 8, 2010 at 8 p.m.

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

Noes: None

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RESOLUTION NO. 301**AID/EMERALD SOCIETY 5K RUN**

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

RESOLVED, that the request of the Emerald Society 5K Run for six portable toilets (two handicapped accessible) for their Annual Run which was held on May 1, 2010 in Piermont, to be charged to Account No. A7550004/50457 is hereby approved.

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

Noes: None

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RESOLUTION NO. 302**ROCKLAND CONSERVATORY OF
MUSIC/WAIVER OF BUILDING
PERMIT AND BOARDS APPLICATION
FEES /TABLED**

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

RESOLVED, that the waiver of Building Permit and Boards Application Fees, as per Section 6.11.B, Waiver of Fees, for the Rockland Conservatory of Music project in Pearl River, Section 68.20, Block 1, Lot 45 is hereby **TABLED**.

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

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RESOLUTION NO. 303**36 LEBER RD/BLAUVELT/ROCKLAND
COUNTY SEWER DISTRICT NO. 1
APPROVE CONNECTION**

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

WHEREAS, the property owners at 36 Leber Road, Blauvelt, New York are requesting approval for their property to be connected to the Rockland County Sewer District No. 1 Sewer System;

WHEREAS, the Orangetown Sewer District has no service available to this property;

WHEREAS, the Rockland County Sewer District No. 1 does have sewer service available to this address;

WHEREAS, the Rockland County Sewer District No. 1 requires a resolution from the Orangetown Town Board approving the hookup, prior to considering the property owners' application to be connected to the Sewer District;

WHEREAS, Ron Delo, Director, DEME, recommends the Town Board approve the property at 36 Leber Road for a connection to the Rockland County Sewer District No. 1;

NOW BE IT RESOLVED that the Town Board hereby approves the property at 36 Leber Road, Blauvelt, New York for an out-of-district sewer connection to the Rockland County Sewer District No. 1.

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

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RESOLUTION NO. 304**AUTHORIZE SUPERVISOR/LETPP
HOMELAND SECURITY GRANT**

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

RESOLVED, that upon the recommendation and approval of the Town Attorney's Office, the Town Supervisor is hereby authorized to sign the Agreement with the County of Rockland for police department overtime for counter-terrorism training as outlined in the 2007 LETPP HOMELAND SECURITY GRANT, wherein the Town will be reimbursed \$18,320.00 for said overtime.

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

RESOLUTION NO. 305**SICK LEAVE ABUSE POLICY/TABLED**

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

RESOLVED, that the Sick Leave Abuse Policy is hereby TABLED.

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

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RESOLUTION NO. 306**APPOINT/SUPERINTENDENT
PARKS AND RECREATION**

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

RESOLVED, that provisional employee, Aric Gorton, is hereby appointed to the position of Superintendent of Recreation and Parks, in the Department of Recreation and Parks, permanent, with a mandatory 6 month probationary period, from Eligible List No. 1011 (OC), effective May 12, 2010.

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

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RESOLUTION NO. 307**AWARD BID/TIER II/III PUMPING
STATION IMPROVEMENT (PS-06-4G)
COPPOLA SERVICES, INC.**

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

WHEREAS, the Director of the Dept. of Env'tl Management & Engineering duly advertised for sealed bids for Contract No. PS-06-4G, General, Tier II/III Pumping Station Improvements – Phase II (Lower, Middle and Upper Grandview Pumping Stations, Volkswagen Pumping Station and Sparkill Pumping Station), which were received and publicly opened on April 14, 2010. The Director made this recommendation to the Town Board; a copy is labeled Exhibit 05-A-10, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Coppola Service, Inc., the lowest responsive, bidder, for an amount of \$1,557,854.00, to be charged to Account No. 8132513/50200.

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

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RESOLUTION NO. 308**AWARD BID/TIER II/III PUMPING
STATION IMPROVEMENT (PS-06-4E)
VALENTINE ELECTRIC**

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

WHEREAS, the Director of the Dept. of Env'tl Management & Engineering duly advertised for sealed bids for Contract No. PS-06-4E, Electrical, Tier II/III Pumping Station Improvements – Phase II (Lower, Middle and Upper Grandview Pumping Stations, Volkswagen Pumping Station and Sparkill Pumping Station), which were received and publicly opened on April 14, 2010. The Director made this recommendation to the Town Board; a copy is labeled Exhibit 05-A-10, and made a part of these minutes. Now, Therefore, Be It

Resolution No. 308 - Continued

RESOLVED, that this bid is hereby awarded to Valentine Electric, Inc., the lowest responsive, responsible bidder, for an amount of \$447,065.00, to be charged to Account No. 8132513/50200.

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

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RESOLUTION NO. 309**CERTIFICATE OF REGISTRATION
2010 SEWER WORK/TRAVCON INC**

Councilman Diviny offered the following resolution, which was seconded by Councilman Troy 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 2010 Sewer Work is approved to Travcon, Inc. 375 Kings Highway, Valley Cottage, NY.

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

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RESOLUTION NO. 310**ACCEPT MINUTES**

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

RESOLVED, that the March 23, 2010 Regular Town Board Meeting and Audit Meeting minutes; and the April 6, 2010 Police Commission and Executive Session minutes, the April 13, 2010 Regular Town Board Meeting, Audit Meeting and Executive Session minutes; and the April 20, 2010 Executive Session minutes are hereby accepted.

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

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RESOLUTION NO. 311**AMENDED RULES/REGULATIONS
COUNTY-WIDE COLLECTION
DISPOSITION SOLID WASTE (COUNTY
FLOW CONTROL LAW)/RECEIVE/FILE**

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

RESOLVED, that the amended Rules and Regulations Regulating County-Wide Collection and Disposition of Solid Waste Generated in Rockland County (County Flow Control Law) are received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 312**KEVIN AND JANE MAHONEY
COVENANT/HOLD HARMLESS
INDEMNIFICATION AGREEMENT
142 LOMBARDI RD/PEARL RIVER
(69.05-3-33) RECEIVE/FILE**

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

Resolution No. 312 - Continued

RESOLVED, that the fully executed Covenant, Hold Harmless and Indemnification Agreement between Kevin and Jane Mahoney for property located at 142 Lombardi Road, Pearl River (69.05-3-33) (Rockland County Inst No. 2010-00015832) is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 313**VALJE SUBDIVISION (ROCKVALE ESTATES) MARSICO COURT BLAUVELT (70.11-1-5) DEEDS/TITLE INSURANCE/RECEIVE/FILE**

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

RESOLVED, that the following original Deeds and Title Insurance Policy for the Valje Subdivision (Rockvale Estates), Marsico Court, Blauvelt (70.11-1-5) are received and filed in the Town Clerk's Office:

1. Deed to the Town of Marsico Court for Rockvale Estates (Rockland Cty Inst. No. 2005-21772).
2. Deed to the Town of Marsico Court for Valje Estates (Rockland Cty Inst. No. 2005-21775).
3. Title Insurance Policy.

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

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RESOLUTION NO. 314**POLICE APPROVE/ORANGETOWN EMERGENCY OPERATIONS PLAN**

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

RESOLVED, that the Orangetown Emergency Operations Plan for 2010 is hereby approved.

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

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RESOLUTION NO. 315**POLICE/NYS JUVENILE OFFICERS ASSOCIATION TRAINING CONFERENCE PERMISSION GRANTED**

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

RESOLVED, that upon the recommendation of the Chief of Police, permission is hereby granted to Det. Frank Buhler to attend the State of New York Juvenile Officers Association 35th Annual Training Conference-Basic Juvenile Officer Course, at the Ramada Geneva Lakefront, 41 Lakefront Drive, Geneva, NY, at a cost of \$1,686.00 to be charged to the appropriate police budgetary accounts.

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

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RESOLUTION NO. 316**APPROVE TAX DESIGNATIONS
AND COVENANTS/GOLF
CARTS/LEASE**

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

RESOLVED, that tax designations and covenants are incorporated into the lease of golf carts.

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

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RESOLUTION NO. 317**APPROVE CONTRACT/FRONTLINE
COMMUNICATIONS/NETWORK
DESIGN**

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

RESOLVED, that a contract with Frontline Communications, for 60 months in the amount of \$5,000 per month, with a one payment of \$20,000 in 2010 is hereby approved.

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

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RESOLUTION NO. 318**FUNDING/ENVIRONMENTAL SITE
ASSESSMENT PHASE I
ARCHAEOLOGICAL SURVEY PHASE I
SPARKILL COMMUTER PARKING
FACILITY**

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

RESOLVED, that funding for the Phase 1 Environmental Site Assessment and Phase 1 Archaeological Survey, required due diligence prior to federal funding consideration for the Sparkill Commuter Parking Facility, in the amount of \$3,950.00, is hereby approved.

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

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RESOLUTION NO. 319**AWARD RFP/OPERATION OF THE
BATTING CAGES/VETERANS
MEMORIAL PARK**

Councilman Troy 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 RFP for the operation of the batting cages located at Veterans Memorial Park, which were received and publicly opened on April 14, 2010. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 05-B-10, and made a part of these minutes. Now, Therefore, Be It

Resolution No. 319 - Continued

RESOLVED, that this bid is hereby awarded to Gary Browne, Mitchell Weissberg and Jerome Kane, for the amount of \$20,000.00 to be paid to the Town of Orangetown.

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

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RESOLUTION NO. 320**AWARD RFP/OPERATION OF THE
CONCESSION/VETERANS
MEMORIAL PARK**

Councilman Troy 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 RFP for the operation of the concession located at Veterans Memorial Park, which were received and publicly opened on April 14, 2010. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 05-B-10, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Gary Browne, Mitchell Weissberg and Jerome Kane, for the amount of \$6,000.00, to be paid to the Town of Orangetown.

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

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RESOLUTION NO. 321**WASTEWATER TREATMENT PLANT
HUNT ROAD PUMPING STATION
IMPROVEMENTS-PLUMBING
(WWTP-06-1P)/HAUSER BROS. INC.
AUTHORIZED FINAL CLOSE OUT
AND FINAL PAYMENT**

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

RESOLVED, that the Town Board hereby approves the final close out and payment of contract WWTP-06-1P, Plumbing, WWTP and Hunt Road Pumping Station, and payment of the final contractor invoice in the sum of \$167,215.19, for a total contract price of \$527,487.49, and the Supervisor, Director of DEME and Clerk of the Works is authorized to execute all documents required to effect this Resolution.

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

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RESOLUTION NO. 322**UNITED WATER/OPPOSE RATE
INCREASE/LETTER**

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

RESOLVED, that the Supervisor is empowered to write a letter to United Water stating that the Town of Orangetown is opposed to the 21% increase.

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

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RESOLUTION NO. 323**ENTERED AUDIT**

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

RESOLVED, that the Town Board entered the Audit Meeting at 8:47 p.m.

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

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RESOLUTION NO. 324**PAY VOUCHERS**

Councilwoman Low-Hogan 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 for a total amount of \$1,338,455.22.

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

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RESOLUTION NO. 325**ENTER EXECUTIVE SESSION**

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

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

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

Resolution Nos. 326 and 327 see Executive Session.

RESOLUTION NO. 328**ADJOURNMENT/MEMORY**

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

RESOLVED, that the Town Board adjourned, in memory of Justin Rogers, Pearl River; John T. Grant, First County Executive; and Muriel Schumacher, Sparkill, at 10:25 p.m.

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

Charlotte Madigan, Town Clerk