

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, MAY 24, 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
Scott Burton, Director of Environmental Management & Engineering
Aric Gorton, Superintendent of Parks-Rec & Building Maint.

Mary Cardenas led the Pledge of Allegiance to the Flag.

The Town Board recognized Emergency Medical Service (EMS) members of our community. Supervisor Whalen said the Town Board and the residents of the Town are very grateful for the great work that these members do for our community. Councilman Diviny read a proclamation for Emergency Medical Service (EMS) week (5/15/11 – 5/21/11). Members in attendance were: Daniel Albin, Mary Kate Albino, Shannon Koesterer, Heather Wanamaker, Matthew Guttman, Raymond Wang, Glenn Albin, Wayne Romisher, Ellie Salmon, Kitty Koch, Joan Marie Skywark and Steven Harris.

Mary Cardenas, Town Historian, excitedly announced that the Orangetown Museum & Archives received the 2011 Preservation/Restoration award from Rockland County Historical Society for restoration of the Salyer House.

Supervisor Whalen said an Orangetown Emergency Management Committee is being established. Chief Nulty said the committee will consist of representatives from relative departments and members from other emergency agencies.

Esta Baitler was congratulated for receiving an award from Camp Venture as Everyone's Favorite Adventure.

Summary of Public Comments (RTBM):

Nancy Antonucci, Blauvelt, is in favor of the Town purchasing the Rockland Psychiatric Children's Center.

Paul Valentine, Blauvelt, supports the Town in buying the Children's Center.

Watson Morgan, Blauvelt, is also in favor of the Town purchasing the Rockland Psychiatric Children's Center.

Esta Baitler, Consumer Advocate for Cathy Lukens Home, spoke about sidewalks and money being poured into the Sewer Capital Improvement Project.

RESOLUTION NO. 346

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

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

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RESOLUTION NO. 347

**OPEN PH/LL TO AMEND TOWN
CODE CHAPTER 8A PUBLIC WORKS
DEPT/DIRECTOR/ENVIRONMENTAL
MANAGEMENT AND ENGINEERING**

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

RESOLVED, that the 8:00 p.m. public hearing to amend the Town Code, Chapter 8A, "Public Works Department", Section 8A-6, "Director of the Department of Environmental Management and Engineering" is hereby opened.

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

Charlotte Madigan, Town Clerk presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 05-I-11 and made a part of these minutes.

John Edwards, Town Attorney, explained this amendment changes the Director of Environmental Management and Engineering to Commissioner of Environmental Management and Engineering and gives power to the Commissioner to appoint and remove all employees of the department.

Summary of Public Comments:
There were no public comments regarding this amendment.

RESOLUTION NO. 348

**CLOSE PH/LL TO AMEND TOWN
CODE/CHAPTER 8A PUBLIC WORKS
DEPT/DIRECTOR/ENVIRONMENTAL
MANAGEMENT AND ENGINEERING**

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

RESOLVED, that the public portion is hereby closed.

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

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RESOLUTION NO. 349

**LEAD AGENCY/ LL TO AMEND TOWN
CODE/CHAPTER 8A PUBLIC WORKS
DEPT/DIRECTOR ENVIRONMENTAL
MANAGEMENT AND ENGINEERING**

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

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

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

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RESOLUTION NO. 350

**SEQRA DECLARATION/LL TO AMEND
TOWN CODE/ CHAPTER 8A PUBLIC
WORKS DEPT/ENVIRONMENTAL
MANAGEMENT & ENG/DIRECTOR**

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

Resolution No. 350 - Continued

RESOLVED, that a SEQRA Declaration (Exhibit 5-II-11) of non-significance, indicating that the action the Town Board is contemplating will not have a significant negative impact on the environment, is hereby adopted.

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

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RESOLUTION NO. 351

**ADOPT/LOCAL LAW 7, 2011/AMEND
TOWN CODE TO AMEND TOWN
CODE/CHAPTER 8A PUBLIC WORKS
DEPT DIRECTOR/ENVIRONMENTAL
MANAGEMENT AND ENGINEERING**

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

RESOLVED, that the Town Board hereby adopts Local Law 7, 2011 to amend the Town Code, Chapter 8A, "Public Works Department", Section 8A-6, "Director of the Department of Environmental Management and Engineering".

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

Local Law No. 7 of 2011**Article 8-A of the Town Code, Entitled "Department of Public Works"**

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

Section 1: Section 8A-6 of the Orangetown Town Code, entitled "Director of Environmental Management and Engineering" shall be amended to change the title and classification of the position of Director, and, as amended shall read:

§ 8A-6. Commissioner of Department of Environmental Management and Engineering.

A. The administrative head of the Department of the Environmental Management and Engineering shall be the Commissioner of Environmental Management and Engineering, hereinafter referred to as the "Commissioner". The Commissioner, who shall be appointed by the Town Board of the Town of Orangetown, shall be in the unclassified civil service. The Commissioner shall be a graduate of an approved college or university with a degree in engineering. He shall be a licensed professional engineer of the State of New York or shall have an advanced degree in engineering or a relevant engineering subspecialty. He shall have at least ten years' experience in an administrative/management capacity in either the private sector or in town, county or state government operations, which includes the supervision of 20 or more employees.

B. Subject to the appropriations made for the Department of Environmental Management and Engineering by the Town Board, and to all other applicable provisions of law, the Commissioner of the Department of Environmental Management and Engineering shall have the sole power to appoint and remove all employees of the Department.

Section 2: This Local Law shall take effect immediately upon its filing with the Secretary of State.

RESOLUTION NO. 352**RPC/CHILDREN'S PSYCHIATRIC
CENTER/HOME RULE LEGISLATION**

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

RESOLVED, that pursuant to Article IX of the N.Y.S. Constitution, the Town Board of the Town of Orangetown hereby requests that Home Rule legislation be introduced and adopted, authorizing the Commissioner of General Services, or other authorized N.Y. State Official, to sell and convey to the Town of Orangetown certain state lands in the Town of Orangetown, County of Rockland, formerly constituting the lands of the Rockland Children's Psychiatric Center, comprises between 49 and 50 acres.

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

Noes: None

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RESOLUTION NO. 353**WAIVE BUILDING PERMIT
FEES/PALISADES COMMUNITY CTR**

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

RESOLVED, that the request of the Palisades Community Center to waive building permit fees of approximately \$225.00, for the installation of a handicapped ramp, is hereby approved.

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

Noes: None

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RESOLUTION NO. 354**APPROVE AID/TZHS/5K**

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

RESOLVED, that the request of the Tappan Zee High School Co-Curricular Groups, by providing barriers, from the Highway Department, for a 5K race, scheduled for June 5, 2011, is hereby approved.

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

Noes: None

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RESOLUTION NO. 355**APPOINT ALTERNATE
MEMBER/ZBA/THOMAS WARREN**

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

RESOLVED, that Thomas Warren is hereby appointed an alternate member of the Zoning Board of Appeals, for 2011. This resolution supersedes Resolution No. 112 of 2011, by which Thomas Warren was prematurely appointed before enabling legislation formally creating the position had been adopted.

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

Noes: None

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RESOLUTION NO. 356**MCKEON ESTATES SUBDIVISION
AUTHORIZE/SUPERVISOR/SANITARY
SEWER EASEMENT**

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

RESOLVED, that upon recommendation of the Town Attorney's Office, the Department of Environmental Management and Engineering and the Superintendent of Highways, the Town Board hereby accepts a Sanitary Sewer Easement related to the McKeon Estates Subdivision from John and Anne O'Malley and Noreen and Christopher Power and authorized the Supervisor or his authorized designee to execute any transfer documents necessary to effectuate the formal acceptance of the easement.

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

Noes: None

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RESOLUTION NO. 357**CERTIFICATE OF REGISTRATION/2011
SEWER WORK/MONSEY EXCAVATING**

Councilwoman Low-Hogan offered the following resolution, which was seconded by Supervisor Whalen 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: Monsey Excavating, Inc., 71 Montebello Commons Drive, Suffern, NY 10901.

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

Noes: None

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RESOLUTION NO. 358**ACCEPT PERFORMANCE BOND
FB ORANGETOWN, LLC/ROUTE 303
ORANGEBURG/74.15-1-21**

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

WHEREAS, FB Orangetown, LLC, as the owner of certain property located at 170 Route 303, Orangeburg, New York, (Tax Lot 74.15 Block 1 Lot 21) applied for and received site plan approval from the Town of Orangetown Planning Board for construction of a mixed use facility at that location, pursuant to Planning Board decisions #2007-19 and 2008-30 and

WHEREAS, pursuant to the aforesaid site plan approvals, the Planning Board required that the applicant post a Performance Bond in the amount of \$1,073,869.50 (One Million Seventy Three Thousand Eight Hundred Sixty Nine and 50/100 Dollars) to ensure the construction and completion of certain public improvements at the site and within the subdivision, and

WHEREAS, the applicant FB Orangetown, LLC has submitted a fully executed Performance Bond dated August 1, 2008 (Bond #0467255) (Along with Bond Rider dated July 17, 2009 and renewal letter dated April 14, 2011) issued by International Fidelity Insurance Company as Surety and FB Orangetown, LLC and Jay Furman and Richard Birdoff as co-principals and the Town of Orangetown as Obligee, in the amount of \$1,073,869.50 (One Million Seventy Three Thousand Eight Hundred Sixty Nine and 50/100 Dollars) as collateral for such Bond, which has 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 a Performance Bond issued by International Fidelity Insurance Company as Surety and FB Orangetown, LLC and Jay Furman and Richard Birdoff as co-

Resolution No. 358 - Continued

principals (Bond #0467255) in favor of the Town of Orangetown, and Bond Rider dated July 17, 2009 and Renewal Letter dated April 14, 2011, in the amount of \$1,073,869.50 (One Million Seventy Three Thousand Eight Hundred Sixty Nine and 50/100 Dollars), with respect to the Orangeburg Commons Site Plan, 170 Route 303 Orangeburg, NY (Tax Lot Block 1 Lot 11), which Performance Bond requires completion of certain public improvements no later than June 24, 2012.

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

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RESOLUTION NO. 359**AUTHORIZE SETTLEMENT OF
SEWER BACKUP CLAIM/PENENO**

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

RESOLVED, that the Town Attorney's Office is hereby authorized to settle the claim of Patricia Peneno for a sewer backup, in the amount of \$7,500.00.

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

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RESOLUTION NO. 360**ACCEPT RETIREMENT/DEME
JOSEPH RUTKOWSKI**

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

RESOLVED, that the Town Board accepts, with regret, the retirement of Joseph Rutkowski, effective September 6, 2011.

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

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RESOLUTION NO. 361**ACCEPT MINUTES**

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

RESOLVED, that the April 26, 2011 Special Town Board Meeting, Regular Town Board Meeting, Audit Meeting and Executive Session minutes; and May 3, 2011 Police Commission and Executive Session minutes are hereby accepted.

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

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RESOLUTION NO. 362**RECEIVE/FILE/DOCUMENTS/TOWN
CLERK'S OFFICE**

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

Resolution No. 362 - Continued

RESOLVED, that the following documents are received and filed in the Town Clerk's Office:

1. School Resource Officer (SRO) Program Agreement (fully executed) with Rockland BOCES, dated 9/9/2010.
2. Storm Water Maintenance Agreement (original) with Orange & Rockland (transition yard), dated January 11, 2011, (recorded in Rockland Cty Inst #2011-911).
3. Storm Water Maintenance Agreement (original) with Crestron Electronics (38 Ramland Rd, Orangeburg), dated July 27, 2010, (recorded in Rockland Cty Inst. #2010-37866).
4. Graney Gardens Subdivision original documents:
 - Deed for Detention Basin (Rockland Cty Inst #2010-38145)
 - Sanitary and Drainage Easement-Across Lot 45 (Rockland Cty Inst #2010-31851)
 - Slope and Conservation Easement (Rockland Cty Inst #2010-38171)
 - 15' Drainage Easement-Across Lot 26 (Rockland Cty Inst #2010-38216)
 - 20' Access Right of Way-Across Lot 18/19 (Rockland Cty Inst #2010-38220)

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

Noes: None

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RESOLUTION NO. 363**AWARD BID/CHESTNUT RIDGE
TRANSPORTATION/SUMMER CAMP**

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 Bus Transportation for Summer Camp(Exhibit 05-J-11), which were received and publicly opened May 12, 2011.

NOW, THEREFORE, BE IT RESOLVED, that the bid for the 2011 Bus Transportation for Summer Camp is hereby awarded to Chestnut Ridge Transportation, Spring Valley, New York, the only qualified bidder, at a price of \$348.00 per bus for All Day Transportation, and \$246.00 per bus for Morning and Afternoon Bus Service.

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

Noes: None

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RESOLUTION NO. 364**PERMISSION GRANTED/FIRE
PREVENTION/DISPLAY FIREWORKS
EMERGENCY RESPONSE TRAINING**

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

RESOLVED, that permission is hereby granted for one (1) employee of the Bureau of Fire Prevention to attend "Display Fireworks Emergency Response Training", June 6, 2011 at the New Hampshire Fire Academy, Concord, NH, at a cost of \$142.00.

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

Noes: None

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RESOLUTION NO. 365**LAMB & BARNOSKY/CSEA
MEDIATOR/BUDGET/AMEND
RESOLUTION NO. 708**

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

Resolution No. 365 - Continued

RESOLVED, that the Town Board authorized to increase the budget for labor negotiations with the CSEA mediator, Lamb & Barnosky, to \$25,000.

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

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RESOLUTION NO. 366**ENTERED AUDIT**

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

RESOLVED, that the Town Board entered the Audit Meeting at 8:23 p.m.

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

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RESOLUTION NO. 367**PAY VOUCHERS**

Councilman Maturo offered the following resolution, which was seconded by Councilman Troy 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 \$974,742.11.

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

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RESOLUTION NO. 368**ADJOURNMENT**

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

RESOLVED, that the Town Board adjourned, in memory of Anna Charters, Nyack; Elizabeth Stewart, Pearl River; Andrew Lesch, Sparkill; Helen Naughton, Pearl River; Arlene Williams, Pearl River; Ronald Zinn, Nyack; John Garcia, Sparkill; and Martin Lindenberg, Nyack, at 8:33 p.m.

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

Charlotte Madigan, Town Clerk