

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, JUNE 8, 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 Thomas Diviny
Absent: Councilman Michael Maturo

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
Ron Delo, Director of the Dept. of Env'tl Management & Engineering
Kevin Nulty, Chief of Police
John Giardiello, Director of OBZPAE
Aric T. Gorton, Superintendent Parks-Rec. & Building Maint.

Charlotte Madigan led the Pledge of Allegiance to the Flag.

Nicholas DeSantis of Bennett, Kielson, Storch and DeSantis will be reviewing the Town's 2009 Financial Statements on June 22nd.

Presidential Joyce Realty and Bin 41 restaurant will be offering complimentary beer, wine and cheese to all Veterans every Wednesday, from 5 pm to 7 pm, thru July 4th.

The American Cancer Society, Relay for Life, will be held Friday, June 18th, 6 pm until 8 am, at the Central Avenue field.

The public portion was opened and there were no public comments.

RESOLUTION NO. 358

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

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

* * *

RESOLUTION NO. 359

ENTER EXECUTIVE SESSION

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

RESOLVED, that the Town Board entered Executive Session at 7:37 p.m.

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

Resolution Nos. 360 and 361 see Executive Session.

RESOLUTION NO. 362

**OPEN PH/ORANGE & ROCKLAND
UTILITIES/SPECIAL PERMIT/H –FRAME
TRANSITION TOWERS/CONTINUATION**

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilman Troy 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, Troy, Diviny
Supervisor Whalen
Noes: None
Absent: Councilperson Maturo

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Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 6-A-10 and made a part of these minutes.

Summary of Public portion:

Brian Quinn, Attorney for Orange & Rockland Utilities, explained the Special Permit, Alienation of Parkland, SEQRA Negative Declaration, referral to the Planning Board, the structure, fencing and landscaping.

Robyn Lefcourt, Orangeburg, thanked Supervisor Whalen, the Town Board and Orange & Rockland for reviewing this situation and balancing the needs of the taxpayers and the Town. Sarah Kukla, Orangeburg, also thanked Supervisor Whalen, the Town Board and Orange & Rockland for their cooperation and hard work. She would like to see the notification of residents’ process updated.

RESOLUTION NO. 363

**CLOSE PH/ORANGE & ROCKLAND
UTILITIES/SPECIAL PERMIT/H-FRAME
TOWER TRANSITION TOWER**

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

RESOLVED, that the public portion is hereby closed.

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

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RESOLUTION NO. 364

**ORANGE & ROCKLAND UTILITIES
SEQRA NEGATIVE DECLARATION
H-FRAME TRANSITION STRUCTURES**

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

WHEREAS, at a regular meeting of the Town Board held on the 23rd day of November 2009, the Town Board adopted a resolution, declaring its intention to be Lead Agency for the environmental review process to be conducted under the State Environmental Review Act (“SEQRA”) in connection with a proposed project entitled “Orangeburg Road Transition

Resolution No. 364 - Continued

Structures”, involving an application for a Special Permit from the Town Board and Site Development Plan Approval from the Town Planning Board, permitting the installation and construction of electric transition structures, related facilities and overhead and underground electric transmission wires located in a right-of-way to be granted to Orange & Rockland Utilities, Inc. south of Orangeburg Road on a portion of 121 Orangeburg Road on property bearing Tax Map Designation Sect. 74.09, Bl. 2, Lot 1 on the Tax Map of the Town of Orangetown (the “Proposed Action”); and

WHEREAS, in accordance with the aforesaid resolution the Town Board caused to be circulated a Lead Agency coordination letter to and among the various involved and/or interested agencies, together with the distribution package, including the application to the Town Board and Planning Board, Project Narrative, Drainage Report and Erosion & Sediment Control Maintenance Plan, Project Plan and Long Form Environmental Assessment Form and such other information as has been submitted in connection with the Proposed Action; and

WHEREAS, after more than thirty (30) days had passed following the adoption of such resolution and the circulation of such coordination letter, and each such involved or interested agency either having consented to the Town Board assuming Lead Agency status, or having failed to respond thereto (and none having objected to the Town Board assuming such status) the Board duly adopted a resolution declaring itself to be Lead Agency; and

WHEREAS, the proposed location for the transition structures is not materially different from the original location in that the new site is only approximately 150 feet from the original site and the proposed location provides additional mitigation for visual impacts and concerns raised about electromagnetic fields; and

WHEREAS, the Town Board, acting in its capacity as Lead Agency for environmental review, having carefully considered all of the potential environmental impacts that might result from the proposed action, has concluded that there will be no significant environmental impacts or effects caused or occasioned by the proposed action,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board adopts the findings and conclusions relating to probable environmental impacts contained in the Long Form Environmental Assessment Form, Parts 1 and 2, inclusive, and the Negative Declaration annexed hereto; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor, or his designated agent, to take such further steps as may be necessary to discharge the Town Board’s responsibilities as Lead Agency.

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

**TOWN OF ORANGETOWN
STATE ENVIRONMENTAL QUALITY REVIEW
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

June 8, 2010

Lead Agency:

The Town Board of the Town of Orangetown
Orangetown Town Hall
26 Orangeburg Road
Orangeburg, New York 10962

This Notice is issued pursuant to Part 617 of the implementing regulations of Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant effect on the environment.

Title of Action:

Application of Orange & Rockland Utilities to construct, install, operate and maintain electric transition structures, related facilities and overhead and underground electric transmission wires.

SEQR Status:

Unlisted Action

Description of the Action:

The proposed action, entitled "Orangeburg Road Transition Structures", involves an application for a Special Permit from the Town Board and Site Development Plan Approval from the Town Planning Board, and a possible area variance, authorizing and permitting the installation and construction of electric transition structures, related facilities and overhead and underground electric transmission wires, with fence enclosure.

Location:

The proposed action will be located in aright-of-way to be granted to south of Orangeburg Road on a portion of 121 Orangeburg Road on property bearing Tax Map designation Section 74.09, Bl. 2, Lot 1 on the Tax Map of the Town of Orangetown.

**REASONS SUPPORTING
THIS DETERMINATION**

I. Information Reviewed and Relied Upon

In making its determination, the Town Board, acting in its capacity as Lead Agency, considered the following:

- (1) The application of the Applicant to the Town Board and Town Planning Board, including a Project Narrative and proposed site plan;
- (2) Drainage Report and Erosion & Sediment Control Maintenance Plan;
- (3) Long Form Environmental Assessment Form;
- (4) Magnetic Field Modeling Assessment, dated January 28, 2010, prepared by Eneritech Consultants on behalf of the Applicant;
- (5) Photographs of the Site;
- (6) The comments of the Rockland County Planning Department pursuant to GML § 239, dated January 4, 2010;
- (7) The comments of the County of Rockland Department of Highways, dated December 30, 2009;
- (8) The comments of the Town of Orangetown Planning Board;
- (9) The comments from neighboring property owners; and

- (10) The Alternative Site Assessment prepared by CMX/Birdsall Services Group dated May 27, 2010;

In addition to the aforesaid, the Town Board has also considered the comments of the public at the Public Hearing conducted on the application for the Special Permit.

II. Familiarity with the Site

The members of the Town Board, in general terms, are also generally familiar with the location of the proposed action, including its proximity to the nearby roadways as well as other development in the area.

III. Potential Impacts Considered and Determined Not to Be Significant

The Board has considered the following issues and potential impacts, and has concluded that neither individually nor cumulatively will they have a significant impact on the environment:

- ***Agricultural Land Resources***

There are no anticipated impacts on agricultural lands.

- ***Historic and Archaeological Resources***

There are no anticipated impacts on any historic or other archeological land or resource.

- ***Critical Environmental Areas (CEAs)***

There are no significant anticipated impacts on any CEA.

- ***Energy***

There are no anticipated significant impacts the community's sources of fuel or energy supply. To the extent there is any impact on energy, such impact will be a positive one, enhancing the source of electrical power to nearby locations.

- ***Public Health***

There are no anticipated significant impacts on the public health.

In particular, the Board has carefully considered, among other things, the issue of the magnetic field in and about the proposed structures after construction, reviewing and analyzing the Magnetic Field Modeling Assessment, dated January 28, 2010, prepared by Enertech Consultants, as provided by the Applicant. Based thereon, the Board concludes that the likely magnetic fields around the proposed structures, and the easement in which such structures will be situated, will be much lower than the guidelines or standards applicable in New York to transmission line magnetic fields. To the extent, there will be a slight increase in the magnetic field within the fenced area at the transition structures, the EMF at the edge of the right of way remains very low and is much lower than the NY State limit (200) for overhead transmission lines under maximum loading conditions.

- ***Air Quality and Noise Levels***

The proposed action is not expected to have a significant impact on local air quality or noise levels.

- ***Land and Water Impacts***

The proposed action is not expected to have a significant impact on local land or water resources.

• **Visual Impacts**

The project will construct two “H” transition structures and relocate two existing poles. Applicant has provided an Alternative Site Assessment prepared by CMX/Birdsall Services Group dated May 27, 2010 which indicates that there will be little if any visual impact from the presence of the proposed structures, particularly in light of the present development of the property.

In summary, after evaluating all of the potential environmental impacts relating to the proposed actions, the Town Board concludes that there will be no significant environmental effect caused thereby

For Further Information, Contact:

Town Supervisor Paul Whalen
Town Hall, Town of Orangetown
26 Orangeburg Road
Orangeburg, New York 10962
(845) 359-5100

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RESOLUTION NO. 365

**ORANGE & ROCKLAND UTILITIES
GRANTING SPECIAL PERMIT FOR
H-FRAME TRANSITION STRUCTURES**

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

WHEREAS, the Town Board of the Town of Orangetown (the “Town Board”) is the municipal entity authorized under 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 to grant a special permit, permitting the installation and construction of electric transition structures, related facilities and overhead and underground electric transmission wires; and

WHEREAS, Orange & Rockland Utilities, a public utility company, pursuant to the aforementioned provisions of the Town Zoning law, has applied to the Town Board to install and construct electric transition structures, related facilities and overhead and underground electric transmission wires together with a fence enclosure; and

WHEREAS, Orange and Rockland Utilities, Inc. has stated the necessity of said transition structures, related facilities and overhead and underground electric transmission wires to provide the means for adequate and sufficient electric service to serve the citizens of the Town of Orangetown; and

WHEREAS, the said structures, related facilities and overhead and underground electric transmission wires were proposed be located in a right-of-way to be granted to Orange and Rockland Utilities, Inc. on a portion of 121 Orangeburg Road, on property bearing Tax Map designation Section 74.09, Bl. 2, Lot 1 on the Tax Map of the Town of Orangetown; and

WHEREAS, the Town Board of the Town and concerned citizens in the area have requested that alternative sites be considered for said transition structures, and

WHEREAS, after reviewing five (5) possible alternative sites, a portion of a lot known as tax lot 74.09-2-1 commonly known as 121 Orangeburg Road, which is directly adjacent to the original proposed site, has been identified by the Town as the best alternative location for the said transition structures by the granting of an easement from the Town to Orange and Rockland Utilities, Inc. because it provides a greater distance between the nearest residences and the transition structures, related facilities and overhead and underground electric transmission wires and produced less of a visual impact; and

Resolution No. 365 - Continued

WHEREAS, tax lot 74.09-2-1 is owned by the Town as passive, vacant and unimproved parkland; and

WHEREAS, in order to grant an easement to Orange and Rockland Utilities, Inc., it is necessary to submit a Municipal Home Rule Request to the New York State Legislature to alienate that portion of tax lot 74.09-2-1 that will be subject to an easement (the "Premises") for the aforementioned purpose and said request will be submitted by the Town Board; and

WHEREAS, at a regular meeting of the Town Board held on the 23rd day of November 2009, the Town Board adopted a resolution, declaring its intention to be Lead Agency for the environmental review process to be conducted under the State Environmental Review Act ("SEQRA") in connection with a proposed action, following which, and after more than thirty (30) days had passed from the adoption of such resolution and the circulation of such coordination letter, the Board duly adopted a resolution declaring itself to be Lead Agency; and

WHEREAS, the proposed new site for the transition structures is not a material change from the original site in that it is only approximately 150 feet from the original site proposed; and

WHEREAS, the Town Board, in its capacity as Lead Agency for environmental review, after careful consideration of all of the potential environmental impacts that might result from the proposed action, has concluded that there will be no significant environmental impacts or effects caused or occasioned by the proposed action, and, by resolution of even date herewith, has issued a Determination of Non-significance; and

WHEREAS, in connection with its review of the present application by Orange & Rockland Utilities, the Town Board has considered the following reports, comments and other documents:

- | ~~(1)~~(1) The application of the Applicant to the Town Board and Town Planning Board, including a Project Narrative and proposed site plan; ← Formatted: Bullets and Numbering
- | ~~(2)~~(2) Drainage Report and Erosion & Sediment Control Maintenance Plan; ← Formatted: Bullets and Numbering
- | ~~(3)~~(3) Long Form Environmental Assessment Form; ← Formatted: Bullets and Numbering
- | ~~(4)~~(4) Magnetic Field Modeling Assessment, dated January 28, 2010, prepared by Enertech Consultants on behalf of the Applicant; ← Formatted: Bullets and Numbering
- | ~~(5)~~(5) Photographs of the Site; ← Formatted: Bullets and Numbering
- | ~~(6)~~(6) The comments of the Rockland County Planning Department pursuant to GML §239, dated January 4, 2010; ← Formatted: Bullets and Numbering
- | ~~(7)~~(7) The comments of the County of Rockland Department of Highways, dated December 30, 2009; ← Formatted: Bullets and Numbering
- | ~~(8)~~(8) The comments of the Town of Orangetown Planning Board; ← Formatted: Bullets and Numbering
- | ~~(9)~~(9) The comments of neighboring property owners; ← Formatted: Bullets and Numbering
- | ~~(10)~~(10) The Alternative Site Assessment prepared by CMX/Birdsall Services Group dated May 27, 2010; ← Formatted: Bullets and Numbering

and

WHEREAS, a public hearing also was conducted on February 9, 2010, and continued at several subsequent dates, including the date of this resolution, before the Town Board in connection with the Applicant's Special Permit application, at which public comment was received and considered by the Board; and

WHEREAS, the matter was further considered at several public workshop sessions on weeks preceding regular Town Board meetings.

Resolution No. 365 - Continued

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to 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 the Town Board hereby grants a special permit, permitting the installation and construction of transition structures, related facilities and overhead and underground electric transmission wires on, over, under, and upon a right-of-way to be granted to Orange and Rockland Utilities, Inc. on a portion of 121 Orangeburg Road on property bearing Tax Map designation Section 74.09, Bl. 2, Lot 1 on the Tax Map of the Town of Orangetown upon the terms and conditions set forth herein, **with the express understanding that the grant of this Special Permit is not intended to, nor shall it be construed as, approving the site specific details of the project that otherwise fall with in the site plan jurisdiction of the Town Planning Board, and further subject to the grant of all other approvals, including but not limited to, variances, if required, from the Town Zoning Board of Appeals.**

**I.
Findings and Conditions**

- (1) This Special Permit is expressly conditioned on Site Plan Approval by the Town Planning Board, and any other approvals, as may be required, including but not limited to, the grant of variances, if required, from the Town Zoning Board of Appeals.
- (2) The Applicant shall meet the requirements of the Rockland County Planning Department, as set forth in its letter dated January 4, 2010, except and if those provisions or any one of them are expressly overridden herein.
- (3) The Applicant shall satisfy the comments of the County of Rockland Department of Highways, dated December 30, 2009;
- (4) The Applicant shall satisfy the comments of the Town of Orangetown Planning Board made in response to the referral by the Town Board in connection with this application for a Special Permit;
- (5) The Applicant and any successor-in-interest shall maintain all trees, plantings and other ground cover as the Town Planning Board may require as a condition of site plan approval, and shall replace same if, for any reason whatsoever, such vegetation shall become damaged or destroyed, it being the express intention of the Town Board, as a condition of this Special Permit, that the structures constructed be screened from adjacent and near-by properties to the greatest extent possible.

**II.
Additional Findings Made Pursuant to
§ 4.31 of the Town Zoning Ordinance**

- (1) The proposed transition structures as described and presented by the Applicant will be appropriately located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities, recognizing that the structures are public utility structures not intended for public use or access;
- (2) The proposed transition structures as described and presented by the Applicant will not cause undue traffic congestion or create a traffic hazard;
- (3) The proposed transition structures as described and presented by the Applicant will not create, at any point of determination set forth in §§ 4.16, 4.17 and 4.18, any more dangerous and objectionable elements referred to in § 4.11 (i.e., dangerous, injurious, noxious, or otherwise objectionable fire, explosive, radioactive, or other hazard, smoke, dust, odor or other form of air pollution; electrical or other disturbance; glare, liquid or solid refuse or waste, or a condition conducive to the breeding of rodents or insects or other substance, condition or element), than is characteristic of the uses expressly permitted as of right in the same district;

- (4) The proposed transition structures as described and presented by the Applicant will not adversely affect the character of, or property values in the area, given the presence of other existing utility structures and the distance of the proposed structures from such nearby premises;
- (5) The proposed transition structures as described and presented by the Applicant will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the town;
- (6) The proposed transition structures as described and presented by the Applicant will comply with all other regulations applicable to such use, except that the height of one of the poles associated therewith in proximity to the property line may require a variance from the Zoning Board of appeals. A proposed plan showing the size and location of the lot, design and location of the proposed facilities (including access drives, screening and streets within 1,000 feet) and a detailed description thereof has been submitted and shall be considered by the Planning Board in compliance with the rules and regulations of that Board;
- (7) As part of the site plan approval process, the Applicant shall be required to secure approval of the proposed drainage structure by the Town Engineer or the consulting engineers for the Town of Orangetown;
- (8) The site development plan submitted for the proposed transition structures as described and represented by the Applicant must show that concrete sidewalks and curbs, if any, shall be constructed in accordance with the specifications of the Town of Orangetown.
- (9) The project will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town.

AND BE IT FURTHER RESOLVED, that the Special Permit granted hereby is expressly conditioned on site plan approval by the Town Planning Board, and the Town Board does hereby refer the application to the Town Planning Board for further action.

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

The Town Board commented that the community, Orange & Rockland and the Town worked well together to obtain a solution.

* * *

RESOLUTION NO. 366

**ORANGE & ROCKLAND UTILITIES
 SUBMISSION OF HOME RULE
 REQUEST/ALIENATE PARKLAND
 H-FRAME TRANSITION STRUCTURES**

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

WHEREAS, the Town Board of the Town of Orangetown (the "Town") has received an application from Orange and Rockland Utilities, Inc. to construct, install, operate and maintain electric transition structures, related facilities and overhead and underground electric transmission wires on Town-owned property upon which Orange and Rockland Utilities has a right-of-way, south of Orangeburg Road on a portion of tax lot 74.09-2-2, which will transition the overhead power lines underground to feed the Corporate Drive substation; and

WHEREAS, Orange and Rockland Utilities, Inc. has stated the necessity of said transition structures, related facilities and overhead and underground electric transmission wires to provide the means for adequate and sufficient electric service to the service the citizens of the Town of Orangetown without unreasonable qualifications or lengthy delays; and

Resolution No. 366 - Continuation

WHEREAS, the Town Board of the Town and concerned citizens in the area have requested that alternative sites be considered for said transition structures, and

WHEREAS, after reviewing five (5) possible alternative sites a portion of a lot known as tax lot 74.09-2-1 adjacent to the original proposed site, has been identified by the Town as the best alternative location for the said transition structures by the granting of an easement from the Town to Orange and Rockland Utilities, Inc.; and

WHEREAS, tax lot 74.09-2-1 is owned by the Town as passive, vacant and unimproved parkland; and

WHEREAS, in order to grant an easement to Orange and Rockland Utilities, Inc., it is necessary to submit a Municipal Home Rule Request to the New York State Legislature to alienate that portion of tax lot 74.09-2-1 that will be subject to an easement (the "Premises") for the aforementioned purpose; and

WHEREAS, the land to be alienated is only a portion of tax lot 74.09-2-1 and consists of approximately one and twenty-eight one-hundredths (1.28) acre; and

WHEREAS, the Town is required to designate parkland in return for the alienation of the existing parkland and the land located at Tax Map Id: 74.09-2-56, currently owned in fee by Orange and Rockland Utilities, Inc. has been so designated and consists of approximately one and thirteen one-hundredths (1.13) acre; and

WHEREAS, the Orange and Rockland Utilities, Inc. will also release to the Town a portion of its existing easement comprising approximately .96 acre located on Tax Map Id: 74.09-2-2; and

WHEREAS, the property to be alienated is described on the Schedule "A" attached hereto and made a part hereof, and the property to be designated as parkland in return for the alienation of the Premises is described on Schedule "B" attached hereto and made a part hereof and the easement area to be released by Orange and Rockland Utilities, Inc. to the Town is described on Schedule "C"; attached hereto and made a part hereof; and

WHEREAS, the Town Board has conducted a review and completed the review process in this matter under the New York State Environmental Quality Review Act, 6 NYCRR Part 617 ("SEQRA") on June 8, 2010 and issued a negative declaration; and

WHEREAS, the Town Board has held duly noticed public hearings in this matter on February 9, 2010, which was continued on several subsequent dates, including the date of this resolution; and

WHEREAS, this matter was further considered at several public workshop sessions on weeks preceding regular Town Board meetings; and

WHEREAS, the language of the proposed legislation is set forth on Schedule "D" attached hereto and made a part hereof.

NOW THEREFORE, BE IT RESOLVED, that pursuant to Section 40 of the New York State Municipal Home Rule Law, the Town Board of the Town of Orangetown hereby submits a Municipal Home Rule Request to the New York State Legislature to alienate the Premises described herein for the aforementioned purpose, as the property to be alienated is described on Schedule "A" attached hereto and made a part hereof, and the property to be designated as parkland in return for the alienation of the Premises is shown on Schedule "B" and Schedule "C" attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Orangetown hereby authorizes the Supervisor to execute any and all documents and to take any action necessary to give effect to this resolution on behalf of the Town of Orangetown.

SCHEDULE "A"

DESCRIPTION OF A PROPOSED EASEMENT TO BE
ACQUIRED FOR RELOCATION OF A PORTION OF
TRANSMISSION LINES 701 AND 702
TOWN OF ORANGETOWN, ROCKLAND COUNTY, STATE OF NEW YORK

BEGINNING at a point in the existing Westerly line of the existing easement for T/L 701 and 702 South of tower 33 and goes thence, N-29 degrees – 51 minutes – 27 seconds – W 285.75" to a point; thence, N-12 degrees – 41 minutes – 48 seconds – E 76.87' to a point; thence, N-42 degrees – 20 minutes – 03 seconds – E 370.79' to a point in the aforesaid existing Westerly line of the said easement for T/L 701 and 702; thence, turning and running along the said Westerly line of this existing easement, S-12 degrees – 41 minutes – 48 seconds – W 202.22, to a point; thence, leaving the said existing easement for T/L 701 and 702, S-42 degrees – 20 minutes – 03 seconds – W 138.01' to a point; thence, S-12 degrees – 41 minutes – 48 seconds – W 82.65' to a point; thence, S-29 degrees – 51 minutes – 27 seconds – E 100.92' to a point in the aforesaid existing Westerly line of T/L 701 and 702; thence, along the said existing easement for T/L 701 and 702, S-12 degrees – 41 minutes – 48 seconds – W 147.87' to the point and place of BEGINNING. Containing 1.28 acres.

SCHEDULE "B"

BEGINNING at a point in the southerly line of Orangeburg Road at the easterly edge of an existing 100 foot wide right-of-way of Orange and Rockland Utilities, Inc. and running thence along the southerly line of Orangeburg Road, on a course South 86° 48' 56" East, 53.84 feet to the northeasterly corner of the lands herein described; and running thence along the easterly line of land of Ramat and Landa on a course South 24° 57' 40" West 997.78 feet to land now or formerly of Ramland Properties, Inc.; thence along said last mentioned land the following two courses and distances: (1) North 65° 02' 20" East 50 feet, and (2) North 24° 57' 40" East, 977.81 feet to the point or place of beginning.

SCHEDULE "C"

DESCRIPTION OF A PORTION OF AN EASEMENT TO BE
ABANDONED OF TRANSMISSION LINES 701 AND 702, BY
ORANGE & ROCKLAND UTILITIES, INC.
TOWN OF ORANGETOWN, ROCKLAND COUNTY, STATE OF NEW YORK

BEGINNING at a point in the Westerly most line of the existing easement for T/L 701 and 702 located between towers number 33 and 32 and goes thence, along the said Westerly line of the said easement, N-12 degrees – 41 minutes – 48 seconds – E 276.94' to a point; thence, cutting diagonally across the aforesaid existing easement, N-42 degrees – 20 minutes – 03 seconds – E 202.22' to a point in the Easterly most line of the aforesaid easement for T/L 701 and 702; thence, turning and following the said Easterly line of the said easement, S-12 degrees – 41 minutes – 48 seconds – W 561.63' to a point; thence, turning and cutting back diagonally across the said easement. N-29 degrees – 51 minutes – 27 seconds – W 147.87 to the point and place of BEGINNING. Containing 0.96 acres of lands.

SCHEDULE "D"

LAWS OF NEW YORK, 2010
CHAPTER _____

AN ACT to authorize the Town of Orangetown to convey to Orange and Rockland Utilities, Inc. an easement upon land located in Orangeburg, being a portion of a lot shown on the Orangetown Tax Map as Tax Map Id: 74.09-2-1 to be used for the installation of electric utility transition structures, related facilities and attendant overhead and underground electric transmission wires.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The Town of Orangetown, acting by and through its town board, is hereby authorized to convey by appropriate instruments to Orange and Rockland Utilities, Inc., a permanent easement upon, over, across and under the lands located on passive parkland in the Town of Orangetown and identified as a portion of a lot shown on the Orangetown Tax Map as Tax Map Id: 74.09-2-1 being more particularly described in Section Two of this act, for the purpose of enabling Orange and Rockland Utilities, Inc. to construct, operate and maintain electric utility transition structures, related facilities and attendant overhead and underground electric transmission wires. Upon completion of construction, Orange and Rockland Utilities, Inc. shall restore the surface of any disturbed lands outside the easement area and such lands shall continue to be used for park purposes. In further consideration for such conveyance, Orange and Rockland Utilities, Inc. shall: (a) continue to provide the means for adequate and sufficient electric service to serve the citizens of the Town of Orangetown without unreasonable qualifications or lengthy delays; (b) shall convey to the Town the lot shown on the Orangetown Tax Map as Tax Map Id: 74.09-2-56, currently owned in fee by Orange and Rockland Utilities, Inc., which consists of approximately one and thirteen one-hundredths (1.13) acres; and (c) shall release to the Town a portion of its existing easement comprising approximately .96 acre located on Tax Map Id: 74.09-2-2 the value of which are of equal or greater value to the easement being conveyed by the Town of Orangetown to Orange and Rockland Utilities, Inc.

Section 2. The easement to be conveyed by the Town of Orangetown pursuant to the provisions of this act is described as follows:

BEGINNING at a point in the existing Westerly line of the existing easement for T/L 701 and 702 and 702 South of Tower 33 and goes thence, N-29 degrees-51 minutes-27seconds-W 285.75' to appoint; thence, N-12 degrees-41minutes-48 seconds-E 76.87' to a point; thence, N-42 degrees-20 minutes-03 seconds-E 370.79' to a point in the aforesaid existing Westerly line of the said easement for T/L 701 and 702; thence, turning and running along the said Westerly line of this existing easement, S-12 degrees-41 minutes-48 seconds-W 202.22', to a point; thence, leaving the said existing easement for T/L 701 and 702, S-42 degrees-20 minutes-03 seconds-W138.01' to a point; thence, S-12 degrees-41 minutes-48 seconds W 82.65' to a point; thence, S-29 degrees-51 minutes-27 seconds-E 100.92' to a point in the aforesaid existing Westerly line of T/L 701 and 702; thence, along the said existing easement for T/L 701 and 702, S-12 degrees-41 minutes-48 seconds-W 147.87' to the point and place of **BEGINNING**. Containing 1.28 acres.

Section 3. This act shall take effect immediately.

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

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RESOLUTION NO. 367 RELAY FOR LIFE/AID APPROVED

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

RESOLVED, that aid to the Relay for Life, on June 18th and 19th at the Central Avenue Field, Pearl River, by providing 4 port-o-johns, 2 regular and 2 handicapped, trash bins and barricades, to be charged to Account No. A7550001/50011 is hereby approved.

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

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RESOLUTION NO. 368

**SEWER/NYACK SIPHON LINES
CHANGE ORDER NO. 2/COPPOLA
SERVICES, INC./APPROVED**

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

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Management and Engineering, Change Order No. 2, to Coppola Services, Inc., in the amount of \$100,000.00, for accessing, inspecting, and cleaning the Nyack Siphon Lines is hereby approved.

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

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RESOLUTION NO. 369

**AMERICORPS SUMMER EMPLOYMENT
CONTRACT/HIGHWAY/APPROVED**

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

RESOLVED, that the Highway Department is hereby authorized to contract with the Rockland County Youth Bureau for the hiring of four (4) AmeriCorps summer employees, at a cost not to exceed \$4,200.00, to assist the Highway Department with environmental projects.

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

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RESOLUTION NO. 370

**POLICE/PERMISSION GRANTED
MOTOR VEHICLE CRASH
MANAGEMENT COURSES**

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

RESOLVED, that upon the recommendation of the Chief of Police, permission is hereby granted to Police Officers Anthony Palazolo and Richard Holihan to attend the following series of Motor Vehicle Crash Management courses sponsored by the NYS Division of Criminal Justice Services. The cost associated with this training is to be charged to the appropriate Police Department budget accounts.

Basic Accident Investigation: June 14-18, in Westchester to be charged to Accts. B3120.50480 and B3120.161-50012 for a total amount of \$544.45.

Intermediate Accident Investigation, July 26-30, Westchester Police Academy, to be charged to Accts. B3120.50480 and B3120.161-50012 for a total amount of \$1,852.50.

Advanced Accident Investigation, September 13-17, Columbia-Greene County Police Academy, to be charged to Accts. B3120.50480 and B3120.161-50012 for a total amount of \$1,326.00.

Technical Accident Investigation, October 18-22, Columbia-Greene County Police Academy, to be charged to Accts. B3120.50480 and B3120.161-50012 for a total amount of \$1,326.00.

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

RESOLUTION NO. 371 **FIXED NATURAL GAS CONTRACT AUTHORIZED/FINANCE**

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

RESOLVED, that Supervisor Whalen and Charles Richardson, Director of Finance, is hereby authorized to choose, based on the market rate of June 9th, a fixed natural gas contract, with the lowest responsible bidder, for a period of 3 years, for a price not to exceed 90 cents per thermal unit.

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

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RESOLUTION NO. 372 **HARBRIDGE CONSULTING/ACTUARY SERVICES POST EMPLOYMENT BENEFIT VALUATION/APPROVED**

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

RESOLVED, that the contract with Harbridge Consulting of Syracuse New York for actuary services for post employment benefit valuation at a cost of \$11,200 for 2010 and \$2,000 for 2011 is hereby approved.

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

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RESOLUTION NO. 373 **MINUTES ACCEPTED**

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

RESOLVED, that the May 11, 2010 Regular Town Board, Audit Meeting, and Executive Session minutes, and the May 18, 2010 Executive Session minutes are hereby accepted.

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

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RESOLUTION NO. 374 **MS 4 ANNUAL STORMWATER REPORT/RECEIVE/FILE**

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

RESOLVED, that the MS 4 Annual Stormwater Report is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 375

**SEWER/TIER II/III PUMPING STATIONS
(PS-06-3E) CHANGE ORDER NO. 3/ALL
BRIGHT ELECTRIC RECEIVE/FILE**

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

RESOLVED, that Change Order No. 3, with All Bright Electric, for Tier II/III Pumping Stations (PS-06-3E) is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 376

**LAND CONVEYANCE DEEDS
ROCKLAND COUNTY/UNITED
PROPERTIES GROUP/CORWICK
REALTY CORP./BLUE HILL ROAD
WEST/RECEIVE/FILE**

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

RESOLVED, that the following deeds for the Land Conveyance with the County of Rockland, regarding Blue Hill Road West, are received and filed in the Town Clerk's Office.

1. Deed between the County of Rockland and the Town of Orangetown (Rockland County Clerk Instr. No. 2010-00011485).
2. Deed between United Properties Group Inc. and the Town of Orangetown (Rockland County Clerk Instr. No. 2010-00011484).
3. Deed between Corwick Realty Corp. and the Town of Orangetown (Rockland County Clerk Instr. No. 2010-00011483).

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

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RESOLUTION NO. 377

**PARKS BID/BROADCAST TOP
DRESSER BROADACRE/WILFRED
MACDONALD/AWARDED**

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

WHEREAS, the Superintendent Parks-Rec. & Building Maint. duly advertised for sealed bids for one (1) Broadcast Top Dresser for Broadacres Golf Club, which were received and publicly opened on May 20, 2010. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 6-B-10, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Wilfred MacDonald of Hackensack, NJ, the only qualified bidder, in the amount of \$11,950.00, to be charged to Account No. A7110002/50200.

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

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RESOLUTION NO. 378

**PARKS BID/2010 SUMMER DAY CAMP
BUS TRANSPORTATION/CHESTNUT
RIDGE TRANSPORTATION/AWARDED**

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

WHEREAS, the Superintendent Parks-Rec. & Building Maint. duly advertised for sealed bids for the 2010 Summer Day Camp bus transportation, which were received and publicly opened on May 20, 2010. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 6-C-10, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Chestnut Ridge Transportation, the only qualified bidder, to be charged to Account No. A7310004/50457, as follows:

- \$338.00 Per Bus - All Day (3-4 Buses)
- \$221.00 Per Bus - Morning and Afternoon (1-2 Buses)

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

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RESOLUTION NO. 379

**TRAFFIC ADVISORY BOARD
CHANGE IN LIGHTS FROM 100
WATT TO 400 WATT/REPAIR LIGHT
FIXTURES JEFFERSON AVE/SOUTH
MAIN STREET/PEARL RIVER**

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

RESOLVED, that upon the recommendation of the Traffic Advisory Board, change in lights from 100 watt to 400 watt is hereby approved and the repair of additional 400 watt light fixtures on existing utility poles, located on the west side of Jefferson Ave, between South Main Street and Route 304, Pearl River, at a cost of approximately \$1,008.00 per year, to be charged to Account No. B5182174/50455 (Street Light Account) is hereby authorized.

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

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RESOLUTION NO. 380

**EMERGENCY PROCUREMENT
JOHNSON CONTROLS/30-TON WATER
COOLED CHILLER/APPROVED**

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

RESOLVED, that an emergency procurement, with Johnson Controls, for a 30-ton water cooled chiller for \$24,000 including transit and installation to be charged to Account No. A1620002/50200 is hereby approved.

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

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