

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, JUNE 22, 2010**

This Town Board Meeting was opened at 7:40 p.m. Supervisor Whalen presided and the Town Clerk called the Roll. Present were:

Councilman Denis Troy
Councilwoman Nancy Low-Hogan
Councilman Thomas Diviny
Councilman Michael Maturo

Also present: Charlotte Madigan, Town Clerk
John Edwards, Town Attorney
Teresa Kenny, First Deputy Town Attorney
Robert Magrino, Deputy Town Attorney
AnnMarie Hahr, Executive Assistant to the Supervisor
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways
Ron Delo, Director of the Dept. of Env'tl Management & Engineering
Lt. Mike Moroney, Police
Sgt. Sean Russo, Police
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.

Nick DeSantis of Bennett, Kielson, Storch and DeSantis presented the 2009 Comprehensive Annual Financial Report. Orangetown, again, received a Certificate of Achievement for Excellence in Financial Reporting, and is in good financial condition. Revenues during 2009 were lower because the Town received less mortgage tax revenue and less state aid. Also, expenditures were less than anticipated, improving the Town's fund balance.

Supervisor Whalen along with the Town Board congratulated and presented certificates to the Pearl River High School Girls Varsity Softball Team for their achievement in becoming the first Rockland County Girls Softball New York State Champions. The team members are Gemma Mahoney, Shannon McKiernan, Kristyn Neroda, Samantha Alicandri, Kaitlyn O'Flynn, Amanda Hartigan, Kaitlyn Goldrick, Amanda Schule, Filiz Undemir, Marianna Feger, Katherine McLaughlin, Jamie DeGennaro, Nicole Leote, Kathryn Meyers, Noreen Jordan; Coach, Mike Carlacci; Asst. Coach, Billy Donnelly and Scorekeeper, Josephine Mosella.

The Town Board recognized the Pearl River Rotary Soap Box Derby winners, Linda Stevenson, Louis Clements, Jerrime Linekin and Samantha Flynn.

Denis Troy thanked SEPTA (Pearl River Special Ed PTA) for the success of the Fourth Annual Chili Cook-off.

RESOLUTION NO. 391

**G.L.F. REALTY COMPANY, INC
(SHOPRITE) ZONE CHANGE
PETITION/OPEN PUBLIC HEARING**

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 consider the petition of G.L.F. Realty Company, Inc. (Shoprite), 245 East Central Avenue, Pearl River (69.13-3-35) for a zone change, from an RG District (General Residence) to a CC District (Retail Commerce), is hereby opened.

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

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RESOLUTION NO. 392**G.L.F. REALTY COMPANY, INC
(SHOPRITE) ZONE CHANGE PETITION
CONTINUE PUBLIC HEARING**

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

RESOLVED, that the public hearing to consider the petition of G.L.F. Realty Company, Inc. (Shoprite), 245 East Central Avenue, Pearl River (69.13-3-35) for a zone change, from an RG District (General Residence) to a CC District (Retail Commerce), will continue on September 28, 2010 at 8 p.m.

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

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Summary of Public Comments (RTBM):

Brian Kelly, Orangeburg, said he received a letter from Gallagher & Bassett that his Sewer backup claim has been denied and asked who will pay for this.

Ronni Cummings, Piermont, asked if the sick leave policy agenda item was going to be tabled.

Tom Fitzmaurice, Orangeburg, asked why the Town is hiring outside counsel to negotiate labor contracts. The Town Attorneys should negotiate labor contracts to save money.

Robert Pearl, Blauvelt, has safety concerns with speeding cars coming down Clausland Mountain Road crossing over Greenbush Rd and continuing onto Spruce Street.

Nancee Pearl, Blauvelt, also has safety and speeding concerns on Spruce Street.

Vincent Lupi, Blauvelt, asked for criteria regarding speeding and signage.

Agnes Caniza and Elizabeth Dudley, Orangeburg, support their neighbors regarding these issues.

Regina Blake, representing the Meadows of Pearl River, said there is confusion as to the correct age for purchasing a unit, and requested approval for it to be age 55 instead of age 62.

Vincent Vellucci, Orangeburg, proposed the institution of a community garden on any Town-owned vacant parcels in Orangeburg and he volunteered to help start the garden.

Howard Teich, Orangeburg, talked about post Retirement Benefits and as a retired actuary, with experience, offered to help.

Helen Shaw, Pearl River, said the traffic study, for Shoprite, is not feasible, because the school year has ended.

John Shaw, Pearl River, said Shoprite is not a good neighbor with garbage, idling trucks and dumping snow, and he is against their zone change.

Kathie Kelley, Pearl River, spoke of the necessity of a traffic study but not while school is out.

Andrea Bruzzi, Pearl River, said she lives and witnesses the dangerous traffic conditions near Shoprite and she is against the zone change.

Five teenage drivers, all spoke against Shoprite extending their parking.

Peggy Powers, Pearl River, is against Shoprite's zone change because of dangerous safety issues.

Jutao Chen, Pearl River, said a traffic study is not appropriate while school is closed and he is opposed to this zone change.

Kim Marich, Pearl River, said not only is there car traffic but there is heavy pedestrian traffic, in the Shoprite area and she is against extending their parking.

Mary Lange, Pearl River, said Shoprite has already expanded on a few occasions and needs to stop encroaching into the residential area. The Town Board needs to protect our children and our way of life.

Charlene von Ohlen, Pearl River, said the traffic is very dangerous, in the Shoprite area. She, always, has trouble getting out of her driveway, across from Shoprite.

Karen Dennis, Pearl River, is against Shoprite's zone change. She has safety concerns for the students and her elderly neighbors, who walk to Shoprite and CVS daily.

Katie Andizler, Pearl River, hopes the traffic study considers new 16 year old and inexperienced drivers.

Elizabeth Liuse, Pearl River, objects to Shoprite's plan. She believes the property should be kept residential and doing the traffic study at this time is not fair.

Eileen Larkin, Palisades, wanted to know why the golf courses are not making any money. She believes the Town Board should explain the revenues and debts of the Town.

Michael Mandel, Pearl River, believes the traffic study should be done during the time the traffic volume is high and Shoprite's zone change is endangering the children in the district.

RESOLUTION NO. 393**CLOSE PUBLIC COMMENTS**

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

RESOLVED, that the public portion is hereby closed.

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

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RESOLUTION NO. 394**LEGAL SERVICES – RFP/ADVERTISE AND DISTRIBUTE**

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

RESOLVED, that the Town Attorney is hereby authorized to advertise and distribute the Request for Proposal for Labor Counsel Services (RFP) for providing legal services to the Town in connection with the negotiation and administration of labor contracts and general labor relation matters.

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

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RESOLUTION NO. 395**SEWER MAINTENANCE PROJECT
AWARD BID/NATIONAL WATER
MAIN CLEANING COMPANY**

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

WHEREAS, the Director of DEME duly advertised for sealed bids for television inspection, cleaning, testing and sealing of sewer lines and rehabilitating manholes (Sewer System Maintenance), which were received and publicly opened on May 26, 2010. The Director made this recommendation to the Town Board; a copy is labeled Exhibit 6-D-10, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to National Water Main Cleaning Company, Canton, MA, the lowest responsible bidder, in the amount of \$65,692.60.

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

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RESOLUTION NO. 396**NOTIFICATION OF PUBLIC
HEARINGS FOR SPECIAL PERMITS
OR ZONE CHANGES/SCHEDULE
PUBLIC HEARING**

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

RESOLVED, that upon the recommendation of the Town Attorney, a Public Hearing on the adoption of proposed local law enhancing notification of public hearings for special permits or zone changes is scheduled for Tuesday, July 20, 2010 at 8:00 p.m.

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

RESOLUTION NO. 397**POLICE DEPARTMENT/SHSP
HOMELAND SECURITY GRANT
OVERTIME/SHSP 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 SHSP HOMELAND SECURITY GRANT, wherein the Town will be reimbursed \$6,046.42 for said overtime.

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

Noes: None

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RESOLUTION NO. 398**SICK LEAVE POLICY/TABLED**

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

NOW BE IT RESOLVED that the Town Board hereby TABLED a Sick Leave Policy.

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

Noes: None

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RESOLUTION NO. 399**ORANGETOWN POLICE/GENERAL
ORDER 205/TABLED**

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

NOW BE IT RESOLVED that the Town Board hereby TABLED Orangetown Police Department General Order 205, dealing with Non-Work Related Absenteeism.

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

Noes: None

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RESOLUTION NO. 400**INFORMATION SERVICES &
EQUIPMENT SPECIALIST/ ESTABLISH
POSITION/APPOINT/ANTHONY
BEVELACQUA**

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

RESOLVED, that the position of Information Services and Equipment Specialist (Networked System), in the Central Data Processing Department, is hereby established and Anthony Bevelacqua is hereby appointed to that position, provisional, effective June 23, 2010, grade 12-1, annual salary \$52,249.

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

Noes: None

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RESOLUTION NO. 401**ACCEPT MINUTES**

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

RESOLVED, that the May 25, 2010 Regular Town Board Meeting, Audit Meeting, and Executive Session minutes, and the June 1, 2010 Police Commission Meeting and Executive Session minutes are hereby accepted.

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

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RESOLUTION NO. 402

**SEWER SYSTEM MAINTENANCE
PROJECT 2009/CHANGE ORDER NO. 1
GREEN MOUNTAIN PIPELINE SERVICES
RECEIVE AND FILE**

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

RESOLVED, that the fully executed original of Change Order No. 1, for the Sewer System Maintenance Project 2009 with Green Mountain Pipeline Services, is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 403

**WWTPCIP/TIER II/III PUMPING
STATIONS PHASE 2/GENERAL (PS-06-
4G) COPPOLA SERVICES INC/NOTICE
TO PROCEED/RECEIVE AND FILE**

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

RESOLVED, the Notice to Proceed letter to Coppola Services, Inc., for the Tier II/III Pumping Stations – Phase 2, General (PS-06-4G) contract is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 404

**WWTPCIP/TIER II/III PUMPING
STATIONS PHASE 2/ELECTRICAL
(PS-06-4E) VALENTINE ELECTRIC INC
NOTICE TO PROCEED/RECEIVE/ FILE**

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

RESOLVED, that the Notice to Proceed letter to Valentine Electric Inc. for the Tier II/III Pumping Stations – Phase 2, Electrical (PS-06-4E) contract 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. 405**2011 BUDGET CALENDAR/ADOPT**

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

WHEREAS, Article 8 of the Town Law of the State of New York provides for a budget system for a Town; and

WHEREAS, the Town Board wishes to set up a budget schedule as provided in Article 8 of the Town Law by designating various dates to implement the 2011 budget; Now, Therefore, Be It

RESOLVED, that the following dates are hereby set as official dates of the Town of Orangetown for the submission and adoption of the budget as required by law:

AUGUST 20, 2010: Last date for other department heads to submit estimate of 2011 operating revenues and expenditures to Supervisor with the estimates submitted in such form and containing such information as the Supervisor shall prescribe;

AUGUST 27, 2010, Last date for department heads to submit a capital budget for 2011, as well as a capital improvement plan for the period 2011 through 2015.

BETWEEN AUGUST 30 and SEPTEMBER 17, 2010: The Town Board shall endeavor to meet with department heads and amongst themselves to discuss the budget prior to the filing of the budget by the Supervisor;

SEPTEMBER 17, 2010: Last day for each ambulance and paramedic district, and South Orangetown libraries to submit an estimate of revenues and expenditures, as well as audited financial statements;

SEPTEMBER 28, 2010: Last day for the supervisor to file with the Town Clerk the tentative budget and budget message for 2011, and the estimates and schedules of the various administrative units;

SEPTEMBER 28, 2010: At a meeting of the Town Board at 7:30 P.M. at Town Hall, Orangeburg, New York, the Town Clerk shall distribute to the Town Board the 2011 Tentative Budget for the Town and publish it on the Town's web site.

OCTOBER 14, 2010: Last day for each fire district to submit to the Town Clerk the proposed 2011 budget and notice of public hearing on the 2011 budget for public review and inclusion on the Town's web site.

OCTOBER 19, 2010: Public hearing date for all fire district budgets (third Tuesday in October by State law).

OCTOBER 26, 2010: Last day for the Town Board to complete review of Tentative Budget and file the Preliminary Budget with the Town Clerk who will publish it on the Town's web site.

OCTOBER 26, 2010: Town Clerk is directed to publish said Preliminary Budget and post a notice of public hearing as required by law on said preliminary budget, in which notice includes the salaries of the Town Board and the Town Clerk;

NOVEMBER 3, 2010: At 8:00 P.M. a public hearing on the Preliminary Budget shall be held at Town Hall at Orangeburg, New York. At the conclusion of the hearing, the Town Board may by resolution adopt a final budget, either accepting or amending the Preliminary Budget and said budget may become the legally adopted budget for the Town of Orangetown for the year commencing January 1, 2011.

NOVEMBER 20, 2010: Legal deadline for budget adoption and submittal of approved fire district budgets to the Town Finance Director who will publish the budgets on the Town's web site.

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

Noes: None

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RESOLUTION NO. 406**INTER-MUNICIPAL AGREEMENT
SOUTH ORANGETOWN SCHOOLS
USE OF THE POOL/APPROVED**

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

Resolution No. 406 - Continued

RESOLVED, that subject to permissive referendum, the Inter-municipal Agreement with the South Orangetown Central School District for the Town's use of the pool at the South Orangetown Middle School, effective July 1, 2010, is hereby approved and, subject to final approval by the Town Attorney's Office and the Superintendent of Parks, Recreation and Buildings, the Town Supervisor is authorized to sign said agreement.

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

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RESOLUTION NO. 407**SOUTH ORANGETOWN SCHOOLS
TOWN'S LEGAL ACTION/APPROVE
SETTLEMENT**

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

RESOLVED, that the Town Board approves the settlement of the Town's legal action against the South Orangetown Central School District (Index #2009-12018), and upon final approval of the Town Attorney's Office, the Supervisor is authorized to sign the Settlement Agreement.

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

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RESOLUTION NO. 408**ALIENATION OF PARK LAND
ORANGE & ROCKLAND UTILITIES**

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

Resolution of the Town Board Approving S 8278-A and A 11512-A, Relating to the Alienation of Town Owned Park Land in Connection with the Application of Orange & Rockland Utilities for a Special Permit for the Construction of Certain Transmission Structures

WHEREAS, by resolution duly adopted the 22nd day of June 2010, the Town Board of the Town of Orangetown approved and authorized the submission of home rule legislation for the alienation of certain Town owned park lands, in the nature of the grant of an easement to Orange & Rockland Utilities, a public utility, to facilitate the installation of certain transmission structures and related facilities required to enhance its ability to deliver adequate power to the corporate drive area in the hamlet of Orangeburg; and

WHEREAS, the Town Board has reviewed the proposed special state legislation, introduced as S 8278-A and A 11512-A, that would authorize such alienation by the Town, and further providing for the replacement of such lands with other park lands to be dedicated by the Town,

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The Town Board, as Lead Agency, ratifies and re-affirms its Declaration of Non-Significance under the State Environmental Quality Review Act ("SEQRA") with respect to the proposed action to be undertaken on the alienated lands;
2. The Town Board approves the submission of S 8278-A and A 11512-A as drafted. Any errors, discrepancies or differences between the property description(s) appearing in the said bills and previous resolutions of this Board relating to the lands to be alienated are deemed corrected by this resolution, it being the express intention of this Board that the description(s)

Resolution No. 408 - Continued

appearing in S 8278-A and A 11512-A shall be the correct descriptions of the lands to be alienated; and

3. The Supervisor shall be authorized to take all action, and to sign all documents, on behalf of the Town necessary to effectuate the intent of this resolution.

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

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RESOLUTION NO. 409**REPEAL RESOLUTION NO. 389/2010
ALIENATION OF PARKLAND/ORANGE
AND ROCKLAND UTILITIES**

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

RESOLVED, that Resolution No. 389/2010, pertaining to Alienation of Parkland, is hereby repealed.

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

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RESOLUTION NO. 410**ENTERED AUDIT**

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

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RESOLUTION NO. 411**PAY VOUCHERS**

Councilman Troy offered the following resolution, which was seconded by Councilman Maturo 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, Special Districts and Parking Funds for a total amount of \$1,144,476.00.

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

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RESOLUTION NO. 412**ENTER EXECUTIVE SESSION**

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

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

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

Resolution Nos. 413 and 414 see Executive Session.

RESOLUTION NO. 415

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 Catherine Gormley, Pearl River; and Raymond J. Butterworth, Pearl River, at 11:24 p.m.

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

Charlotte Madigan, Town Clerk