

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, JUNE 28, 2011**

This Town Board Meeting was opened at 7:35 p.m. Supervisor Whalen presided and the Town Clerk called the Roll. Present were:

Councilman Denis Troy
Councilwoman Nancy Low-Hogan
Councilman 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
James Dean, Superintendent of Highways
Robert Simon, Receiver of Taxes
Scott Burton, Director of Environmental Management & Engineering
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks-Rec & Building Maint.

Charlotte Madigan led the Pledge of Allegiance to the Flag.

Summary of Public Comments:

Genevieve Coffey, Pearl River, spoke about the elimination of benefits for part-time positions and establishing a new position of Deputy Receiver of Taxes.

Mike Mandel, Pearl River, said the Town should be in a hiring freeze. He spoke about Nyack Hospital being flooded. He referenced the culvert drainage pipe and cutting of trees in the cemetery across from Nyack Hospital.

Gail Raffaele, Tappan, questioned the funding for the Flood Mitigation for Sparkill Creek project and outside counsel for the purchase of the Children's Psychiatric Center.

Chuck Maze, Rockland County YMCA, requested additional funding from Orangetown for Nyack's YMCA Day Care Program.

Albert Rossi, Orangeburg, asked why the abandonment of a sewer easement for FB Orangetown, LLC was on the Workshop agenda and not on the Regular Town Board Meeting agenda.

RESOLUTION NO. 409

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, Diviny
Supervisor Whalen
Noes: None
Absent: Councilman Maturo

* * *

RESOLUTION NO. 410

**APPROVE SHOWMOBILE REQUEST
LEUKEMIA AND LYMPHOMA SOCIETY**

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

RESOLVED, that the use of the show mobile, to the Leukemia and Lymphoma Society, for the Light the Night Walk, on Sunday, October 16th, in Memorial Park, Nyack, at a rental fee of \$350.00 and a certificate of insurance listing the Town of Orangetown as additionally insured is hereby approved.

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

RESOLUTION NO. 411

APPROVE AID/PEARL RIVER HOOK & LADDER COMPANY NO. 1

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

RESOLVED, that aid to Pearl River Hook & Ladder Company No. 1, by providing 2 port-o-johns and fifteen (15) trash barrels, for their annual Car Show, which will be held on Sunday, September 18th on the Central Avenue field (rain date September 25th) is hereby approved.

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

* * *

RESOLUTION NO. 412

RECLASSIFICATION/YESARSKY MAINTENANCE MECHANIC II

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

RESOLVED, that upon the recommendation of Rockland County Personnel Office, Robert Yezarsky's position is hereby reclassified to Maintenance Mechanic II in the Department of Recreation and Parks, grade 17, step 18, annual salary of \$91,340, effective June 29, 2011.

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

* * *

RESOLUTION NO. 413

APPROVE LEASE/GOOSETOWN POLICE DEPT

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

RESOLVED, that a 60 month lease, with Goosetown Communications, with costs of \$34,170 semi-annually (\$341,700 total) for the following equipment (including installation and maintenance) to be charged to Account Number B.3120.443 is hereby approved (Lease includes termination provision if County replaces radios):

- 1 PTP800 Microwave Link
- 1 TKR-740-P Prime simulcast site
- 2 TKR-740-S subsystem 50 watt
- 3 TKR-740-S subsystem receive only
- 1 Site/System including antenna systems, battery back-up routers and required hardware.

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

* * *

RESOLUTION NO. 414

**TAX CERTIORARI SETTLEMENT
 275 N. MIDDLETOWN ROAD, LLC
 68.12-3-25**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign the

Resolution No. 414 - Continued

Stipulation and Order and Judgment Reducing Assessment regarding the tax certiorari proceeding *275 n. Middletown Road, LLC v. Brian Kenney, et ano*, Tax Map designation 68.12-3-25, for the tax assessment years 2000 through 2010, for a total refund by the County of \$4,339, a total refund by the Town of \$16,934 and a total refund by the School District of \$60,322. Interest on the Town’s liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town.

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

* * *

RESOLUTION NO. 415

COMBINED AGENDA ITEMS

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

RESOLVED, that agenda items six (6) and seven (7) are hereby combined

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

* * *

RESOLUTION NO. 416

**TAX CERTIORARI SETTLEMENT
 SALISBURY POINT COOPERATIVE
 66.78-1-27;1-4**

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

RESOLVED, that upon the recommendation of the Town Attorney’s Office and the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign the Final Judgment on Consent regarding the tax certiorari proceeding, *Salisbury Point Cooperative, Inc. v. The Assessor, et al.*, Tax Map designation 66.78-1-27; 1-4, for the tax assessment years 2008 through 2010, for a total refund by the County of \$4,724, a total refund by the Town of \$9,043 and a total refund by the School District of \$75,364. Interest on the Town’s liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town.

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

* * *

RESOLUTION NO. 417

**TAX CERTIORARI SETTLEMENT
 CLERMONT CONDOMINIUM I
 66.39-1-3.201 THRU 66.39-1-3.2406**

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

RESOLVED, that upon the recommendation of the Town Attorney’s Office and the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign the Stipulation regarding the tax certiorari proceeding, *Clermont Condominium I v. Brian Kenney, et ano.*, Tax Map designation 03/66.39-1-3-201 thru 03/66.39-1-3-2406, for the tax assessment

Resolution No. 417 - Continued

years 2003 through 2009, for a total refund by the County of \$56,946, a total refund by the Town of \$0 and a total refund by the School District of \$0.

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

* * *

RESOLUTION NO. 418**RELEASE PERFORMANCE BOND
MCKEON ESTATES/74.15-1-21**

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

RESOLVED, that upon the recommendation of the Planning Board (PB#2011-26), the Town Highway Department, DEME and the Town Attorney's Office, the Board hereby authorizes the release of the McKeon Estates Subdivision Performance Bond (Orangeburg Road, Pearl River, NY) and Letter of Credit #104442 issued by HSBC, in the amount of \$6,107.00, originally delivered to the Town in 1997.

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

* * *

RESOLUTION NO. 419**AUTHORIZE/SUPERVISOR EXECUTE
INTER-MUNICIPAL AGREEMENT
ROCKLAND CTY NARCOTICS TASK
FORCE**

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 Chief of Police, an Intermunicipal Agreement, between the Town and the County of Rockland, providing for partial reimbursement by the County, in the amount of ONE HUNDRED SEVENTY ONE THOUSAND EIGHT HUNDRED SIXTY FIVE AND 00/100 (\$171,865.00), of the compensation costs of one Town Police Officer, for services rendered to the Rockland County Narcotics Task Force for and during the period of January 1, 2011 through December 31, 2011, is hereby approved and the Town Supervisor is hereby authorized to execute such Agreement on behalf of the Town.

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

* * *

RESOLUTION NO. 420**FLOOD MITIGATION FOR SPARKILL
CREEK/DASNY PROJECT ID #3893**

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

RESOLVED, that the engineering contract, with McLaren Engineering Group, for flood mitigation, for the Sparkill Creek DASNY Project ID #3893 capital project, in an amount not to exceed \$333,800.00, to be charged to Account Number H.5120.200, is hereby approved.

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

RESOLUTION NO. 421**ACCEPT MINUTES**

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

RESOLVED, that the May 24, 2011 Regular Town Board Meeting and Audit Meeting minutes; the Police Commission Meeting and Executive Session minutes are hereby accepted.

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

* * *

RESOLUTION NO. 422**RECEIVE/FILE/DOCUMENTS
TOWN CLERK'S OFFICE**

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

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

1. Notice of Violation Compliance Update Response Letter to NYSDEC-Division of Water, Region 3, dated June 14, 2011.
2. Miscellaneous Additional Work (MAW) Order for Tier II, III Pumping Station Improvements – General (PS-06-4G) with Coppola Services, in the amount of \$6,865.50.
3. Extension and Modification Agreement, dated June 1, 2011 with Orangetown Volunteer Emergency Service Coalition Inc. (OVESC).

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

* * *

RESOLUTION NO. 423**AUTHORIZE/SUPER SAVER BUS
TICKETS ROCKLAND COUNTY
TRANSPORTATION (TOR)**

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

RESOLVED, that the Supervisor is hereby authorized to enter into an inter-municipal agreement between the County of Rockland and the Town of Orangetown to allow the Town Clerk to sell "Super Saver" tickets for the Rockland County Transportation of Rockland (TOR) bus lines.

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

* * *

RESOLUTION NO. 424**APPROVE/RPC CHILDREN'S PSYCH
CENTER OUTSIDE COUNSEL
WILSON ELSER MOSKOWITZ
EDELMAN & DICKER LLP/WILSON
ELSER**

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

WHEREAS, the Town board has determined that the issues surrounding the contemplated purchase of the Rockland Children's Psychiatric Center, as well as the remediation

Resolution No. 424 - Continued

and development of other lands comprising a portion of the former Rockland Psychiatric Center are so varied and complex as to warrant the retention of outside legal counsel; and

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

WHEREAS, the Town Board has concluded that the law firm of Wilson Elser Moskowitz Edelman & Dicker LLP can best meet the specific needs of the Town.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board approves the retention of the law firm of Wilson Elser Moskowitz Edelman & Dicker LLP on the financial terms set forth in its proposal dated May 27, 2011, which proposal shall be reduced to a written Retainer Agreement for execution by the Town Supervisor, in a form to be approved by the Town Attorney.

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

* * *

RESOLUTION NO. 425**APPROVE/DISCIPLINARY
SETTLEMENT/EMPLOYEE NO. 1083**

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

RESOLVED, that the Town Board approves the settlement of an open disciplinary proceeding with regard to Employee No. 1083, according to the terms of the Rockland County Police Act.

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

* * *

RESOLUTION NO. 426**ENTERED AUDIT**

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

RESOLVED, that the Town Board entered the Audit Meeting at 8:10 p.m.

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

* * *

RESOLUTION NO. 427**PAY VOUCHERS**

Councilman Troy offered the following resolution, which was seconded by Councilwoman Low-Hogan 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 \$481,635.75.

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

* * *

RESOLUTION NO. 428

ADJOURNMENT

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

RESOLVED, that the Town Board adjourned, in memory of Muriel MacNoll, Pearl River; Arthur Ubriaco, Tappan; Catherine Creighton, Palisades; Ignatius Neroda, Pearl River; and Louise Salerno, Tappan; at 8:38 p.m.

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

Charlotte Madigan, Town Clerk