TOWN OF ORANGETOWN REGULAR TOWN BOARD MEETING TUESDAY, AUGUST 23, 2011

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

Councilwor	man Nancy Low-Hogar
Councilmar	n Michael Maturo
Councilmar	n Thomas Diviny

Also present: Charlotte Madigan, Town Clerk John Edwards, Town Attorney AnnMarie Hahr, Executive Assistant to the Supervisor Charles Richardson, Director of Finance James Dean, Superintendent of Highways Robert Simon, Receiver of Taxes John Giardiello, Director of OBZPAE Aric Gorton, Superintendent of Parks-Rec & Building Maint.

The Bill Harris Family led the Pledge of Allegiance to the Flag.

Summary of Public Comments:

Brooke Malloy, Assistant Director of the Nyack Center, spoke about the youth outreach gang prevention program. The Town and Village need to stay vigilant in taking positive steps to reduce risk behaviors and crime.

Annmarie Uhl, Sparkill, asked for the Town Board's insight with granting Community Funding and she requested the Town Board to consider a four-year term for the Supervisor.

Robert Dell, Orangetown Planning Board, is in favor of Chief Bill Harris Way. He asked the Town Board to consider expanding the Comprehensive Plan review, to look at land development regulations and the zoning code.

Max and Mary Kaplan, Orangeburg, read a letter regarding their experience with the Supervisor and other Town employees regarding code violations.

Mike Mandel, Pearl River, said a missing double parking meter on William Street should be replaced. He is against funding for Nyack Center, the YMCA and Piermont Historical Society. Four-year terms with term limits is a great idea and we need a realistic Comprehensive plan.

Frank Fornario, Blauvelt, requested Orangeburg Commons' public hearing be fast tracked.

Peter Byrne, Orangeburg, spoke about Bill Harris' contributions to the community, particularly after 9/11 and urged that he be remember with the designation of "Chief Bill Harris Way".

RESOLUTION NO. 456

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
	* * *

RESOLUTION NO. 457

APPROVE ROAD DESIGNATION CHIEF BILL HARRIS WAY

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

RESOLVED, that the request of the Orangetown Volunteer Emergency Services Coalition, Inc., to honor Bill Harris by designating Blaisdell Road, between Old Orangeburg Road and Orangeburg Road, Orangeburg, as "Chief Bill Harris Way" is hereby authorized.

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

APPROVE AID/ROCKLAND ROAD RUNNERS/SOUTH NYACK TEN MILER

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

RESOLVED, that aid to the Rockland Road Runners Club, by providing seven portojohns (2 handicapped) for the 23rd Annual South Nyack Ten Miler on Sunday, September 11, 2011, 8:30 AM at the Raymond Esposito Trail is hereby approved.

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

RESOLUTION NO. 459

APPROVE AID/SONS OF ITALY ITALIAN FEAST/SHOWMOBILE

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

* * *

RESOLVED, that the use of the showmobile, by the Blauvelt Sons of Italy, for their Italian Feast, from Sept 15 - 18, 2011 is hereby approved. Group to provide a certificate of insurance listing the Town of Orangetown as additionally insured and pay the rental fee of \$350.00.

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

RESOLUTION NO. 460

APPROVE AID/NYACK CHAMBER SEPTEMBERFEST STREET FAIR SHOWMOBILE

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

RESOLVED, that use of the showmobile for the Nyack Chamber of Commerce, for their Septemberfest Street Fair, September 25, 2011, is hereby approved. Group to provide insurance listing the Town of Orangetown as additionally insured and to pay the rental fee of \$350.00.

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

RESOLUTION NO. 461

TABLED/COMMUNITY FUNDING

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

* * *

RESOLVED, that community funding, for the groups shown below, in the amount of \$40,750 total, to be charged to Account No. A7320/457, is hereby TABLED.

	Approved	Approved	Requested	Recommended	
	2009	2010	2011	2011	
American Red Cross	\$-	\$-	\$ 5,000	\$-	
Big Brothers Big Sisters	\$ 1,000	\$ 1,000	\$ 2,500	\$ 1,000	
Camp Venture	\$ 10,000	\$ 10,000	\$ 15,000	\$ 10,000	
Dowling Housing Corp	\$ 1,000	\$ 1,000	\$ 2,000	\$ 1,000	
Foster Grandparents	\$ 1,000	\$-	\$-	\$-	
Friends of the Nyacks			\$ 1,500	Celebrations '11	
Headstart of Rockland	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	
Helping Hand Interfaith Coalition			\$ 3,000	\$-	

Home Aides of Rockland	\$ _	\$ 500	\$ 1,500	\$	500
Infinity Equine Therapy, Inc		 	\$ 5,000	\$	-
JCC Film Festival			\$ 1,000	\$	-
Meals on Wheels	\$ 10,000	\$ 10,000	\$ 15,000	\$	10,000
Mental Health Association of Rockland Cty		*	\$ 9,970	\$	-
Nami-Familya	\$ -	\$ -	\$ 1,000	\$	-
Nyack Center (Drop In Camp)	\$ 1,000	\$ 1,000	\$5,000	\$	1,000
Nyack Center (Gang Prevention)			\$15,000	\$	-
One to One Learning Center	\$ 1,000	\$ 1,000	\$0	\$	-
Palisade-Sparkill baseball League	\$ 1,000	\$ -	\$0	\$	-
People to People	\$ 1,000	\$ 1,000	\$10,000	\$	2,000
Piermont Historical Society			\$3,000	\$	1,000
Rockland Com. Coll. Sr. Citizens	\$ 1,000	\$ 750	\$750	\$	750
Rockland County Welcome Center			\$3,000	\$	-
Rockland County YMCA			\$2,500	\$	1,000
Rockland Family Shelter	\$ -	\$ 500	\$0	\$	-
Rockland Hospital Guild			\$7,800	\$	-
Rockland Parent Child	\$ 1,000	\$ -	\$0	\$	-
RSVP			\$1,500	\$	500
SOCASA Girls Golf	\$ 1,000	\$-	\$0		\$-
Soup Angels	\$ 1,000	\$-	\$0		\$-
South Nyack Police Department	\$ 1,000	\$-	\$0		\$-
Tappantown Historical Society	\$-	\$-	\$1,000	Ce	lebrations '11
United Hospice of Rockland	\$ 1,000	\$ 1,000	\$2,500	\$	1,000
Volunteer Action Center (Chore)	\$ 1,000	\$ 1,000	\$1,000	\$	1,000
Volunteer Counseling Services	\$ 1,000	\$ 1,000	\$0	\$	-
Total	\$ 45,000	\$ 39,750	\$ 125,520	\$	40,750

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

AUTHORIZE SUPERVISOR/JUSTICE GRANT APPLICATION

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

RESOLVED, that the Supervisor is hereby authorized to submit a grant application for the Orangetown Justice Court to the New York State Justice Court Assistance Program 2011 in the amount of \$15,191.35 (maximum per court \$30,000) for the purpose of obtaining desks, chairs, filing cabinets, signs, judicial robes, and a shredder.

* * *

Ayes:	Councilpersons Diviny, Maturo, Troy, Low-Hogan
	Supervisor Whalen
Noes:	None
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RESOLUTION NO. 463

APPROVE EXPANDING/YOUNG LUNGS AT PLAY PROGRAM

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

RESOLVED, that the Superintendent of Parks, Recreation and Building Maintenance is hereby authorized to expand the "Young Lungs at Play" program authorized on April 10th, 2006 by resolution 296 in cooperation with the Rockland County Health Department to encompass all Town owned Parklands, excluding Blue Hill and Broadacres golf courses in accordance with Town Code 7A-13.

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

APPROVE CHANGE ORDER NO. 1 HOLT CONSTUCTION/BLUE HILL GOLF COURSE RENOVATIONS

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

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, Change Order No. 1 to the Holt Construction Management contract, in the amount of \$22,500.00, for the extension of construction management services through Sept. 10th, 2011, including project closeout and punch list items, provided there are no delays to the project. This amount is covered within the approved Project Budget and is to be charged to Account No. E103.

* * *

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

RESOLUTION NO. 465

ADOPT CERTIFICATE OF CURRENT/ADJUSTED HOMESTEAD BASE PROPORTIONS

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

RESOLVED, that the Town Board hereby adopts Certificate of Current Homestead Base Proportions and Adjusted Base Proportions (Forms 6701 & 6703) pursuant to Article 19, Section 1903 of the Real Property Tax Law for the Levy of Taxes on the 2011 Assessment Roll, and the Town Clerk is hereby authorized to affix Town Certification (Exhibit 08-A-11).

* * *

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

RESOLUTION NO. 466

AMEND RESOLUTION NO. 492/2010 BECKMANN APPRAISALS

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

RESOLVED, that Resolution No. 492/2010 is hereby amended to increase the contract amount for Beckmann Appraisals, from \$35,000 to \$50,000, with costs to be charged to Account Number A.1355.485.

Ayes:	Councilpersons Diviny, Maturo, Troy, Low-Hogan
	Supervisor Whalen
Noes:	None
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RESOLUTION NO. 467

ADOPT/PROPERTY MAINTENANCE VIOLATION/75 MOUNTAINVIEW AVE

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

WHEREAS, on October 19, 2010, following a public hearing duly noticed and conducted in accordance with the property maintenance provisions of Chapter 24C-15 of the Town Code, the Town Board by resolution 621 of 2010 authorized the clean-up of property located at 75 Mountain View Avenue, in Pearl River (69.17-5-1.2) by the Town or its designees, agents or a private contractor, at a cost not to exceed \$5,000.00, said cost to be assessed against the record owner of the property and collected in the manner and at the same time as other Town charges; and

Resolution No. 467 - Continued

WHEREAS, since the time of the last Town clean-up, the said property has continued to go unmaintained by the record owner, and presently is again in violation of the property maintenance provisions of the Town Code; and

WHEREAS, the condition of the said property continues to constitute a nuisance and hazard to the public health, safety and welfare, and otherwise remains unsightly in appearance,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby re-affirms its determination embodied in resolution 621 of 2010, and again directs that the Town or its designees or agents, or through a private contractor, at a cost not to exceed \$5,000.00, abate the violation, and that the cost of such action be assessed against the record owner of the property and collected in the manner and at the same time as other Town charges.

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

 Noes:
 None

RESOLUTION NO. 468

RETIREMENT/NICHOLAS ARCAMONE/DEME

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

RESOLVED, that the retirement of Nicholas Arcamone, DEME, effective July 31, 2011, is hereby accepted with regret.

Ayes:	Councilpersons Low-Hogan, Troy, Maturo, Diviny
	Supervisor Whalen
Noes:	None
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RESOLUTION NO. 469

AMEND RESOLUTION NO. 582-2010 MASER CONSULTING/SLUDGE TANK HANDLING FACILITY

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

RESOLVED, that Resolution No. 582/2010 is hereby amended to increase the supplemental contract for Maser Consulting from \$23,500 to \$26,600 for the Sludge Tank Handling Facility capital project.

Ayes:	Councilpersons Troy, Low-Hogan, Maturo, Diviny
	Supervisor Whalen
Noes:	None
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RESOLUTION NO. 470

RETIREMENT/WALTER WHEATLEY BUREAU OF FIRE PREVENTION

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

RESOLVED, that the retirement of Walter Wheatley, P/T Fire Inspector, Bureau of Fire Prevention, effective August 9, 2011 is hereby accepted with regret.

Ayes:	Councilpersons Diviny, Low-Hogan, Troy, Maturo
	Supervisor Whalen
Noes:	None
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AWARD BID/INDUSTRIAL SERVICE UNIFORMS/AMERICAN WEAR UNIFORMS

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for Industrial Service Uniforms, which were received and publicly opened on July 21, 2011. (A copy of the publication and bid summary are labeled Exhibit 08-B-11 and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that upon the recommendation of the Superintendent of Highway, the bid for Industrial Service Uniforms – Option 2 (2 yrs-\$1.84 per employee per a week) is hereby awarded to American Wear Uniforms, East Orange, New Jersey, the lowest qualified bidder.

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

RESOLUTION NO. 472

APPROVE AMENDED REVOCABLE USE AGREEMENT/ORANGETOWN MIGHTY MIDGET ATHLETIC CLUB

Councilman Troy offered the following resolution, which was seconded by Councilman Maturo and <u>on a roll call</u> was adopted:

RESOLVED, that the Town Board hereby approves an amended revocable use agreement with the Orangetown Mighty Midgets Athletic Club for the use of the Town's soccer fields and facilities located on Old Orangeburg Road, Orangeburg.

Ayes:	Councilpersons Troy, Low-Hogan, Div	viny
	Supervisor Whalen	-
Noes:	Councilman Maturo	
	* * *	

RESOLUTION NO. 473

APPROVE REVOCABLE USE AGREEMENT/BLAUVELT-ORANGEBURG SENIOR CLUB

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

RESOLVED, that the Town Board hereby approves a revocable use agreement for the use of the Club House at the Orangetown Soccer Complex by the Blauvelt/Orangeburg Senior Club for its regular meetings.

Ayes:	Councilpersons Troy, Diviny, Low-Hogan, Maturo
	Supervisor Whalen
Noes:	None
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RESOLUTION NO. 474

ACCEPT MINUTES

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

RESOLVED, that the June 21, 2011 Executive Session minutes; the June 28, 2011 Regular Town Board/Audit Meeting and Executive Session minutes; the July 12, 2011 Police Commission/Workshop and Executive Session minutes; and the July 19, 2011 Regular Town Board Meeting/Audit Meeting and Executive Session minutes are hereby accepted.

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

RECEIVE/FILE/DOCUMENTS TOWN CLERK'S OFFICE

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

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

- 1. DEME's letter to NYSDEC, Division of Water, Region III, dated July 29, 2011, regarding the Order on Consent, Orangetown Wastewater Treatment Plant and Sludge Handling Facility Rehabilitation.
- 2. Orangeburg and Pearl River Fire Districts Annual Audit with independent Auditor's report for 2009 and 2010.
- 3. Tappan Free Library correction easement, dated April 18, 2010 (Rockland County Clerk's Instr. No. 2010-00017077).
- 4. Sidewalk Sawcutting (RFP) Contract, with Precision Concrete Cutting, LLC, dated July 13, 2011.
- 5. McKeon Estates Subdivision (69.18-2-2) Sanitary Sewer Easement (Rockland County Clerk Instr. No. 2011-0002253) and Title Insurance Policy.
- 6. Professional Service Agreement, with McLaren Engineering Group, dated August 10, 2011, for Flood Mitigation Sparkill Creek DASNY #3893.
- 7. Ebenezer Full Gospel Assembly Title Insurance Policy.

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

RESOLUTION NO. 476

APPROVE FUNDING/PEARL RIVER CHAMBER OF COMMERCE

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

RESOLVED, that funding, for the Pearl River Chamber of Commerce, Pearl River Day, Saturday October 1, in the amount of \$1,000, to be charged to the celebrations, Account No. A.7550.457 is hereby approved.

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

RESOLUTION NO. 477

APPROVE/PUBLIC OFFICIALS EMPLOYER LIABILITY INS/HISCOX INSURANCE/BAUER-CROWLEY

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

RESOLVED, that a Public Officials/Employer Liability Insurance policy, with Hiscox Insurance, at an annual cost of \$51,574 (down from the current policy of \$62,363), to be charged to Account No. MS.1722.457.49 is hereby approved.

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

TABLED/NETWORK/CYBER LIABILITY INSURANCE/ALLIED WORLD/BAUER-CROWLEY

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

RESOLVED, that a Network /Cyber Liability Insurance, with Allied World, at an annual cost of \$1,463.00, to be charged to Account No. MS.1722.457.49, is hereby **TABLED**.

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

RESOLUTION NO. 499

APPROVE LEASE/SHARP COPIERS/ESP

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

RESOLVED, that a thirty –six month copier lease, for seven Sharp copiers, from ESP, for various Town departments, at a cost of \$19,440 per year (this compares to current costs of \$20,700 per year), including maintenance, to be charged to department accounts is hereby approved.

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

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RESOLUTION NO. 480

APPROVE/TAX CERTIORARI SETTLEMENT AGREEMENT/WYETH HOLDINGS

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, approve an agreement by and between the Town, the Nanuet School District and Wyeth Holdings (its successors and assigns), providing a framework for the resolution of all open tax certiorari proceedings, which includes, among other things, certain restrictions on the future development of presently undeveloped lands.

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

RESOLUTION NO. 481

DEME/AMEND RESOLUTION NO. 396 CONSULTANT/KENECK SKIBINSKI INCREASE

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

RESOLVED, that Resolution No. 396 is amended, increasing the maximum payment to consultant Keneck Skibinski from \$19,000 to \$38,000.

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

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ENTERED AUDIT

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

RESOLVED, that the Town Board entered the Audit Meeting at 9:20 p.m.

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

RESOLUTION NO. 483

PAY VOUCHERS

Councilwoman Low-Hogan 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 \$3,149.411.80.

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

RESOLUTION NO. 484

ENTER EXECUTIVE SESSION

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

RESOLVED, that the Town Board entered Executive Session at 9:25 p.m.

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

Resolution Nos. 485 and 486 see Executive Session.

RESOLUTION NO. 487

ADJOURNMENT/MEMORY

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

RESOLVED, that the Town Board adjourned, in memory of Charles Shimel, Palisades; Ruth Kolb, Tappan; Herbert Haug, Pearl River; Anthony Pace, Pearl River; Edward Potoma, Pearl River; Rosena Bradshaw, mother of Sr. Maureen Bradshaw (Thorpe Village); Rosemary Brady Urban, daughter-in-law of Josephine Urban (Senior Citizen Advisory Committee) and Martin Paciello, Pearl River; at 10:15 p.m.

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

Charlotte Madigan, Town Clerk