

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, SEPTEMBER 13, 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 Michael Maturo
Councilman Thomas Diviny
Also present: Charlotte Madigan, Town Clerk
John Edwards, Town Attorney
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways
Guy DeVincenzo, DEME Clerk of the Works
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks-Rec & Building Maint.

South Orangetown Girls Little League Team led the Pledge of Allegiance to the Flag (10-11 yrs old).

Kaitlyn Borruso	Elizabeth Coyle	Meghan Coyle
Samantha Ford	Madison Kousoulas	Taylor LePore
Nicole Malpeli	Kayla McKiernan	Emma Paskowski
Jessica Ragonesi	Brianna Scollan	Emily Trozzo
Coaches: Theresa O'Brien, Lou Ragonesi, and Michele McKiernan		

Chris O'Brien, President of the South Orangetown Little League, said he is really glad that the Town Board and a lot of other people are recognizing the girls. These girls won the State Championship due to their dedication, and playing 19 all star games against some of the best players.

The Town Board and the Town Clerk congratulated and presented Certificates to the girls for their achievement of being the "**New York State Championship Team**".

Summary of Public Comments:

Judge Paul B. Phinney, Orangetown Justice Court, spoke regarding his office and the need to fill the position of an employee who retired in June. The lack of staffing has affected the ability to hold traffic trials and collect fines.

Brooke Malley, Assistant Director of the Nyack Center, explained the center uses the \$290,000 from the Village exclusively for the after school programs, the breakfast club, the backdoor program and Summer camp.

Esta Baitler, Consumer Advocate for Camp Venture, asked that the community funding for Camp Venture not be cut.

Mike Mandel, Pearl River, is against any new community funding. When the Town contributes to this funding, is any of this money used for salaries, the facilities, or credit card payments. He is concerned about all of the tax certiorari settlements and taxes.

Carol Silverstein, Orangeburg, thanked Councilman Troy for returning her call and handling an issue.

Chuck Maze, Nyack YMCA, thanked the Town Board for their support of the YMCA. The YMCA improves the quality of life and it makes the community a richer place for families.

RESOLUTION NO. 492

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

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

RESOLUTION NO. 493**APPROVE AID/LIONS CLUB OF
BLAUVELT/ APPLEFEST**

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

RESOLVED, that aid to the Blauvelt Lions Club, for their Applefest on Sunday, September 25, 2011, at Flywheel Park in Piermont, by providing two port-o-johns, (one handicapped), and trash barrels from the Highway Department is hereby granted.

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

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RESOLUTION NO. 494**COMBINED AGENDA ITEMS**

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

RESOLVED, that agenda items two (2) thru ten (10) are hereby combined

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

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RESOLUTION NO. 495**TAX CERTIORARI SETTLEMENT
COMMERCE BANK/68.16-6-45**

Councilman Maturo offered the following resolution, which was seconded by Supervisor Whalen 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 Consent Judgment regarding the tax certiorari proceeding *Commerce Bank v. Board of Assessment Review and/or Assessor, et al.*, Tax Map designation 68.16-6-45, for the tax assessment years 2010 through 2011, for a total refund by the County of \$0, a total refund by the Town of \$0, and a total refund by the School District of \$0.

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

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RESOLUTION NO. 496**TAX CERTIORARI SETTLEMENT
PARADISE HARBOR CONDOMINIUM
75.55-1-1.4/51 – 75.55-1-1.4/417**

Councilman Maturo offered the following resolution, which was seconded by Supervisor Whalen 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 *Paradise Harbor Condominium v. Brian Kenney, et ano*, Tax Map designation 75.55-1-1.4/51 through 75.55-1-1.4/417, for the tax assessment years 2004 through 2010, for a total refund by the County of \$89,224, a total refund by the Town of \$60,943 and a total refund by the School District of \$298,398. 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 Maturo, Troy, Low-Hogan, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 497**TAX CERTIORARI SETTLEMENT
PICKER PROPERTIES/74.07-1-16**

Councilman Maturo offered the following resolution, which was seconded by Supervisor Whalen 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 Consent Judgment regarding the tax certiorari proceeding *Picker Properties v. The Assessor, et al.*, Tax Map designation 74.07-1-16, for the tax assessment years 2006 through 2010, for a total refund by the County of \$23,070, a total refund by the Town of \$114,166 and a total refund by the School District of \$318,503. 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 Maturo, Troy, Low-Hogan, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 498**TAX CERTIORARI SETTLEMENT
AJK REALTY THREE, LLC AND THE
1992 HARRY ADLER TRUST/68.20-1-1./50**

Councilman Maturo offered the following resolution, which was seconded by Supervisor Whalen 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 of Settlement and Consent Order and Judgment regarding the tax certiorari proceeding *AJK Realty Three, LLC and the 1992 Harry Adler Trust v. Brian Kenney, et al.*, Tax Map designation 68.20-1-1./50, for the tax assessment years 2009 through 2010, for a total refund by the County of \$497, a total refund by the Town of \$2,006 and a total refund by the School District of \$8,075. 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 Maturo, Troy, Low-Hogan, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 499**TAX CERTIORARI SETTLEMENT
LOWE'S HOME CENTERS, INC. 74.15-1-3**

Councilman Maturo offered the following resolution, which was seconded by Supervisor Whalen 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 Consent Judgment regarding the tax certiorari proceeding *Lowe's Home Centers, Inc. v. Board of Assessment Review, et al.*, Tax Map designation 74.15-1-3, for the tax assessment years 2008 through 2010, for a total refund by the County of \$0, a total refund by the Town of \$0 and a total refund by the School District of \$0. 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 Maturo, Troy, Low-Hogan, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 500**TAX CERTIORARI SETTLEMENT
CHESAPEAKE HOLDING ORANGEBURG,
LLC. F/K/A RAMLAND REALTY, LLC.
73.20-1-23 & 24**

Councilman Maturo offered the following resolution, which was seconded by Supervisor Whalen 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 Consent Judgment regarding the tax certiorari proceeding *Chesapeake Holdings Orangeburg, LLC f/k/a Ramland Realty, LLC v. The Town of Orangetown, et al.*, Tax Map designation 73.20-1-23 and 24, for the tax assessment years 2007 through 2010, for a total refund by the County of \$32,464, a total refund by the Town of \$133,903 and a total refund by the School District of \$516,065. 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 Maturo, Troy, Low-Hogan, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 501**TAX CERTIORARI SETTLEMENT
ROCKLAND COUNTRY CLUB, INC.
78.09-1-24**

Councilman Maturo offered the following resolution, which was seconded by Supervisor Whalen 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 Consent Judgment regarding the tax certiorari proceeding *Rockland Country Club v. The Assessor of the Town of Orangetown, et al.*, Tax Map designation 78.09-1-24, for the tax assessment years 2007 through 2010, for a total refund by the County of \$15,283, a total refund by the Town of \$69,636 and a total refund by the School District of \$212,105. 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 Maturo, Troy, Low-Hogan, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 502**TAX CERTIORARI SETTLEMENT
THE PROVENCAL, LLC./65.44-2-4 & 5**

Councilman Maturo offered the following resolution, which was seconded by Supervisor Whalen 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 Consent Judgment regarding the tax certiorari proceeding *The Provencal, LLC v. The Assessor of the Town of Orangetown, et al.*, Tax Map designation 65.44-2-4 & 5, for the tax assessment years 2008 through 2010, for a total refund by the County of \$1,088, a total refund by the Town of \$4,130 and a total refund by the School District of \$17,349. 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 Maturo, Troy, Low-Hogan, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 503

**TAX CERTIORARI SETTLEMENT
TOWN PLAZA II, LLC./74.07-1-6**

Councilman Maturo offered the following resolution, which was seconded by Supervisor Whalen 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 Order and Stipulation of Settlement regarding the tax certiorari proceeding *Town Plaza II, LLC v. The Assessor of the Town of Orangetown, et al.*, Tax Map designation 74.07-1-6, for the tax assessment years 2009 and 2010, for a total refund by the County of \$2,628, a total refund by the Town of \$13,070 and a total refund by the School District of \$37,735. 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 Maturo, Troy, Low-Hogan, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 504

COMMUNITY FUNDING/FAILED

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilman Troy and on a roll call **FAILED**:

RESOLVED, that community funding, for the groups shown below, to be charged to Account No. A7320/457, hereby FAILED.

Camp Venture	\$8,000
Headstart of Rockland	\$8,000
Home Aides of Rockland	\$1,000
Meals on Wheels	\$8,000
Nyack Center (Gang Prevention)	\$5,000

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

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RESOLUTION NO. 505

COMMUNITY FUNDING/APPROVED

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

RESOLVED, that community funding, for the groups shown below, to be charged to Account No. A7320/457, is hereby approved.

Headstart of Rockland	\$8,000
Nyack Center (Gang Prevention)	\$2,000
People to People	\$3,000

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

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RESOLUTION NO. 506

COMMUNITY FUNDING/APPROVED

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilman Diviny and on a roll call was adopted:

RESOLVED, that community funding, for the groups shown below, to be charged to Account No. A7320/457, is hereby approved.

Resolution No. 506 - Continued

Big Brothers Big Sisters	\$1,000
Camp Venture	\$10,000
Dowling Housing Corp	\$1,000
Home Aides of Rockland	\$500
Meals on Wheels	\$10,000
Piermont Historical Society	\$1,000
Rockland Com. Coll. Sr. Citizens	\$750
Rockland County YMCA	\$1,000
RSVP	\$500
United Hospice of Rockland	\$1,000
Volunteer Action Center (Chore)	\$1,000

Ayes: Councilpersons Diviny, Troy, Maturo
Supervisor Whalen

Noes: Councilperson Low-Hogan

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RESOLUTION NO. 507

SEWER DEPT/BUDGET TRANSFERS

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

RESOLVED, that the following 2011 Budget Transfers are hereby approved:

		Current	Change	Revised
Sewer Collection Salaries	G.8120.011	\$1,011,848	\$(250,000)	\$ 761,848
Sewer Plant Salaries	G.8130.011	\$1,360,863	\$ 250,000	\$1,610,863

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

Noes: None

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RESOLUTION NO. 508

**SOLE SOURCE PROCUREMENT
JET-VAC**

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

RESOLVED, that sole source procurement for a new tank for a vacuum truck with Jet-Vac, Inc., in the amount of \$52,765.00, to be charged to Acct. No. G.8120.200, is hereby approved.

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

Noes: None

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RESOLUTION NO. 509

**GRANT PERMISSION/APWA 2011
INTERNATIONAL PUBLIC WORKS
CONGRESS & EXPOSITION/MUNNO**

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

RESOLVED, that permission is hereby granted for Stephen Munno, Sr. Administrative Asst., to attend the "APWA 2011 International Public Works Congress and Exposition" from September 18-21, 2011, at no cost to the town.

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

Noes: None

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RESOLUTION NO. 510**APPROVE PROPOSAL/LOCHNER
ENGINEERING/PEARL RIVER
SIDEWALKS**

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

RESOLVED, that proposal from Lochner Engineering, P.C., for the design report and final design report, in the amount of \$ 11,200.00, for the Pearl River Business District sidewalk improvements is hereby approved.

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

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RESOLUTION NO. 511**ACCEPT MINUTES**

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

RESOLVED, that the August 16, 2011 Police Commission and Executive Session minutes are hereby accepted.

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

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RESOLUTION NO. 512**RECEIVE/FILE/DOCUMENTS/TOWN
CLERK'S OFFICE**

Councilman Maturo 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. Communications Equipment Lease Agreement with Goosetown, dated August 24, 2011 and approved by Town Board Resolution No. 413/2011.
2. Original Serial Bond(s) Note(s) from New York State Environmental Facilities Corporation (New York State Revolving Fund), Project No.: C3-5345-04-01 - \$1,499,500.00.
3. Declaration of Restrictive Covenant, dated 7/18/2011, between Julie Ann Cantone and the Town for property located at 7 Sgt. Demeola Rd, Blauvelt (70.06-1-1.7), which was recorded as Instr. No. 2011-00025309 in the Rockland County Clerk's Office.

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

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RESOLUTION NO. 513**APPROVE AID/PEARL RIVER
SPECIAL ED-PTA/CHILI COOK-OFF**

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

RESOLVED, that aid to the Pearl River Special Ed PTA, for their Chili Cook-off, on Saturday, September 17, at the Central Avenue Field in Pearl River, by providing six port-o-johns (one handicapped), and trash barrels from the Highway Department, is hereby granted.

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

RESOLUTION NO. 514

ENTERED AUDIT

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

RESOLVED, that the Town Board entered the Audit Meeting at 8:55 p.m.

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

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RESOLUTION NO. 515

PAY VOUCHERS

Councilman Maturo offered the following resolution, which was seconded by Councilman Diviny 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 \$1,829,125.32.

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

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RESOLUTION NO. 516

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 at 9:03 p.m.

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

Charlotte Madigan, Town Clerk