

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, OCTOBER 11, 2011**

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 Michael Maturo
Councilman Thomas Diviny

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
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks-Rec & Building Maint.

Esta Baitler, Consumer Advocate for Camp Venture, led the Pledge of Allegiance to the Flag.

Summary of Public Comments:

Andy Stewart, Nyack, spoke about the budget numbers, the forecast, and the measureable outcome. Is the tax increase 2.3% or is it more like 6.8% with Pfizer? He is in favor of a supermarket in the Orangeburg Commons project.

Mike Mandel, Pearl River, is concerned with the increase to the CSEA mediator. He is against the new Commissioner of DEMA taking home a Town vehicle. He believes the golf course had a difficult year because of the construction.

Jo-Ann Coffey-Fasulo, Pearl River, was compelled to that this Town should be run like a business. She requested luxury items be removed from the budget. She is being taxed out of her home.

Andrew Wiley, Pearl River, spoke about the appointment of the Commissioner of DEMA, and the policy for use of Town vehicles. He also believes, the Orangeburg Commons project should be taken under consideration quickly.

Robert Hester, Pearl River, asked, what is the cost, to the taxpayers, for all of the councilpersons medical benefits, including family coverage; and how much time does a councilperson have to work in order to receive medical benefits after retirement?

Eileen Larkin, Palisades, spoke about Tax Certiorari settlements and properties being fairly assessed. She asked for the status of the contract, with the outside contractor, who helped with the Sewer Department's summonses.

Habib Hasan, Pearl River, spoke regarding P O Mike Sullivan.

Allan Ryff, Tappan, submitted a FOIL, 9/28/11, for all correspondence, between 1/1/11 and the present, regarding Supervisor Whalen, alleged anger issues and treatment of employees and has not received an answer. He read a letter, dated 8/8/11, sent to Supervisor Whalen by Billy Ricald, CSEA Southern Region President.

Robert Tomkins, Orangetown, asked what are the Town's goals, objectives, legal requirements and additional information regarding the budget. He suggested a budget message describing major changes; impacts on services, overviews and other information should be included with the budget. He requested transparency.

Elayne & Victor Armaniaco, Blauvelt, is against a zone change from R-40/LO to LI for the land located 636 N. Greenbush Rd, containing dinosaur tracks. The Planning Board did not notify the abutting property owners. She asked to be notified by the Planning Board and to be advised of any Comprehensive Plan meetings regarding this property.

Jamie Zerilli, Blauvelt, is a neighbor of the N. Greenbush property and strongly would like the property to remain as it is.

Deanna Lambert, Blauvelt, added her opposition to change the N. Greenbush property from residual to commercial. The change would be very unhealthy to the residential neighborhood.

Jorge Guerra, Blauvelt, is against any zone change on this property and is fearful for the safety of his children.

Robert Dell, Tappan, requested the SEQRA notification for the Orangeburg Commons be sent to the Project Review Committee. He also spoke about reform of the town's zoning codes and land development regulations.

Betsy Brenner, Orangeburg, believes Orangeburg Commons should have been charged a penalty or interest because they didn't pay the \$540,000 as scheduled. The Town needs to be seriously careful with the hard earned taxpayers' money.

Kelly Morris, Blauvelt, asked, what is the procedure for a zone change request. She is concerned that the Planning Board sided with the neighbors that a zone change is not a good idea.

RESOLUTION NO. 546**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, Maturo, Diviny
Supervisor Whalen

Noes: None

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RESOLUTION NO. 547**APPROVE AID/SOUTH ORANGETOWN
ROTARY/2011 TENNIS OPEN**

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

RESOLVED, the request of the South Orangetown Rotary by providing four port-o-johns for their 2011 Tennis Open, which was held on September 25, 2011, is hereby approved.

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

Noes: None

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RESOLUTION NO. 548**APPOINT/BLAUVELT FIRE DEPT
MICHAEL CATANIA**

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

RESOLVED, that Michael Catania is hereby appointed to the position of volunteer firefighter, with the Blauvelt Volunteer Fire Company, and the firefighter is to see the Town Clerk, to take the Oath of Office, within 30 days.

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

Noes: None

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RESOLUTION NO. 549**APPROVE SHOWMOBILE
PIERMONT FIRE DEPT/WETDOWN**

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

RESOLVED, that the request from Piermont Fire Department, for use of the Town's showmobile, for their Wet Down, Saturday, October 15th, 2011, is hereby approved. The requesting organization to provide a certificate of insurance listing the Town of Orangetown as additionally insured and pay the rental fee of \$350.00.

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

Noes: None

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RESOLUTION NO. 550**ACCEPT EASEMENT/ABANDON
EASEMENT/FB ORANGETOWN, LLC
ORANGEBURG COMMONS (74.15-1-21)**

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

WHEREAS, FB Orangetown, LLC, as the owner of certain property located at 170 Route 303, Orangeburg, New York, (Tax Lot 74.15 Block 1 Lot 21) applied for and received a Special Permit from the Town Board pursuant to Resolution 2006-658 permitting mixed use development at the site, subject to several conditions, one of which was that the owner FB Orangetown, LLC would share in the cost of the relocation of a Sanitary Sewer Line on the property and grant to the Town an Easement for the relocated Sanitary Sewer Line, and

WHEREAS, the Town of Orangetown Planning Board thereafter granted Site Plan Approval for construction of a mixed use facility at that location, pursuant to Planning Board decisions #2007-19 and 2008-30 for a map entitled "Orangeburg Commons Site Plan" made by Leonard Jackson Associates dated April 8, 2006, revised July 21, 2008, which approval also required the owner FB Orangetown, LLC to share in the cost of the relocation of a Sanitary Sewer Line and to grant an Easement to the Town for the relocated Sanitary Sewer Line, and

WHEREAS, the Sanitary Sewer Line has been relocated according to the Orangeburg Commons Site Plan map and the applicant FB Orangetown, LLC has paid to the Town the sum of \$540,000.00 as its share in the cost of the relocation of the Sanitary Sewer Line and has presented to the Town an Easement to the Town for the now relocated Sanitary Sewer Line,

NOW THEREFORE IT IS HEREBY RESOLVED THAT, upon the recommendation of DEME and the Town Attorney's Office, the Town hereby formally accepts, receives and files a Sanitary Sewer Easement from FB Orangetown, LLC, and authorizes the Supervisor or his designee to execute any and all transfer documents and which Easement is to be recorded in the Rockland County Clerk's Office at the expense of FB Orangetown, LLC and upon receipt from the Rockland County Clerk's Office, the original be filed and maintained in the Town Clerk's

BE IT FURTHER RESOLVED THAT, the Town, in consideration of the granting of the aforesaid Sanitary Sewer Easement, hereby abandons the existing Sanitary Sewer Easement located on the property, previously recorded in the Rockland County Clerk's Office at Liber 548, Page 343 and the Supervisor or his designee is hereby authorized to execute any and all documents necessary to effectuate said abandonment, and

BE IT FURTHER RESOLVED that, this abandonment of easement is subject to permissive referendum pursuant to Town Law §64(2) and Town Law §90, and within ten days after the adoption of this resolution, the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the resolution and contain an abstract of such resolution stating the purpose and effect thereof, including that same is the subject of a Permissive Referendum.

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

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RESOLUTION NO. 551**POLICE/GRANT PERMISSION
INCIDENT RESPONSE TO TERRORIST
BOMBING TRAINING**

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

RESOLVED, that permission is hereby granted for PO James Kelly of the Orangetown Police Department, in his capacity, as a member of the Rockland County Regional Rescue and Counter-Terrorism Team, to attend Incident Response to Terrorist Bombing training sponsored

Resolution No. 551 - Continued

at the New Mexico Tech Science, Engineering, Research University, Socorro, New Mexico, between November 8-11, 2011, at no cost to the Town of Orangetown.

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

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RESOLUTION NO. 552**POLICE/GRANT PERMISSION/NYS INTELLIGENCE SUMMIT**

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

RESOLVED, that permission is hereby granted to Chief Kevin A. Nulty, to attend the New York State Intelligence Summit in Saratoga Springs, NY, on October 11-12, 2011, with lodging and meals being provided by the NYS Department of Homeland Security and Emergency Services (NYS DHSES), with no expense to the Town.”

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

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RESOLUTION NO. 553**LAMB & BARNOSKY/CSEA AMEND RESOLUTIONS NO. 708/2010 & 365/2011**

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

RESOLVED, that Resolution No(s). 708/2010 & 365/2011 and increase the budget for labor negotiations with the CSEA mediator, Lamb & Barnosky, to \$35,000.00.

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

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RESOLUTION NO. 554**ACCEPT MINUTES**

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

RESOLVED, that the September 6, 2011 Police Commission and Executive Session; and the September 13, 2011 Regular Town Board Meeting and Audit Meeting minutes are hereby accepted.

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

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RESOLUTION NO. 555**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. Bond Anticipation Note Certificate, 9/28/2011, \$1,800,000 to pay the increase cost of the Orangetown Sewer District.

Resolution No. 555 – Continued

2. Bond Anticipation Note Certificate, 9/28/2011, \$1,500,000, Public Improvement (Serial) Bonds-2011A) to pay the cost of Consent Decree (DEC) payments in connection with hazardous substances at the Clarkstown Landfill.
3. Refunding Bond Certificate, 9/28/2011, \$800,000, Public Improvement Refunding (Serial) Bonds -2011B.
4. Roosevelt & Cross Inc. bond documents for \$1,800,000 to pay the increase cost of the Orangetown Sewer District, \$1,500,000, Public Improvement (Serial) Bonds-2011A) to pay the cost of Consent Decree (DEC) payments in connection with hazardous substances at the Clarkstown Landfill and \$800,000, Public Improvement Refunding (Serial) Bonds -2011B.
5. Independent Auditors’ Report on Communication of Internal Control Matters Identified in the Audit (O’Connor Davies Munns & Dobbins, LLP).
6. Revocable License Agreement, dated September 30, 2011, between the Blauvelt/Orangeburg Senior Citizens Club and the Town.

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

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RESOLUTION NO. 556

APPROVE APPOINTMENT OF NEW COMMISSIONER OF DEME AND EXECUTION OF EMPLOYMENT AGREEMENT/JOSEPH MORAN

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

RESOLVED, that the Town Board hereby approves the appointment of JOSEPH J. MORAN, as the Commissioner of the Department of Environmental Management and Engineering, at a starting salary of \$165,000.00, effective November 7, 2011, and further authorizes the Supervisor, or his designated representative, to sign an Employment Agreement with the said appointee for a term of 5 years and otherwise in the form annexed hereto and made a part hereof.

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

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RESOLUTION NO. 557

APPROVE HOURLY RATE CHANGE FOR CROSSING GUARD SERVICES

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

RESOLVED, that the hourly rate to be paid by the Town to Crossing Guards shall be \$18.00 per hour, effective January 1, 2012.

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

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RESOLUTION NO. 558

AUTHORIZE HIRING OF A TRAFFIC CONSULTANT RELATING TO THE ORANGEBURG COMMONS SPECIAL PERMIT APPLICATION

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

Resolution No. 558 - Continued

RESOLVED, that the Town Board hereby approves the retention of Adler Consulting, Inc. White Plains, to review the traffic study prepared and submitted on behalf of FB Orangeburg LLC, the Applicant for a Special Permit of the Town Board in connection with the proposed development of property located at 170 Rte. 303, Orangeburg, N.Y. (Tax Map designation 74.15-1-21), the cost of which review shall be borne solely by the Applicant pursuant to, and in accordance with, the terms and conditions of a Professional Consultant Reimbursement Agreement to be executed by the Applicant.

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

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RESOLUTION NO. 559

**DECLARATION OF INTENT TO BE
 LEAD AGENCY FOR SEQRA
 REVIEW/ CIRCULATION LETTER
 ORANGEBURG COMMONS**

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

WHEREAS, the Town has received an application seeking an amendment to the Special Permit previously issued by the Town Board for the development of property located at 170 Rte. 303, Orangeburg, N.Y. (Tax Map designation 74.15-1-21) as a mixed-use development pursuant to Article 43, § 4.32(O) of the Town Zoning Law; and

WHEREAS, the submission includes, among other things, a revised conceptual site development plan, Full Environmental Assessment Form, traffic analysis, and other related documents required under § 4.32(o)(ix); and

WHEREAS, upon review thereof, the Board makes the following preliminary determinations:

1. The proposed action is one subject to review under the State Environmental Quality Review Act (“SEQRA”);
2. The proposed action as an “Unlisted” action;
3. The following are involved or interested agencies in the review process:
 - Orangetown Planning Board;
 - Rockland County Department of Planning;
 - Rockland County Sewer District No. 1;
 - Rockland County Drainage Agency;
 - Rockland County Department of Health;
 - N.Y.S. Department of Environmental Conservation;
 - N.Y.S. Department of Transportation;
 - Palisades Interstate Park Commission.
4. The following are potential impacts to be addressed in the environmental review process: traffic, aesthetics, drainage and site contamination.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review, and directs that a Lead Agency Coordination Letter with relevant documents be circulated to and among the various above referenced agencies.

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

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RESOLUTION NO. 560**ENTERED AUDIT**

Councilman Maturo 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 9:05 p.m.

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

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RESOLUTION NO. 561**PAY VOUCHERS**

Councilman Maturo 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 \$1,342,746.15.

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

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RESOLUTION NO. 562**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 9:12 p.m.

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

Resolution Nos. 563 and 564 see Executive Session.

RESOLUTION NO. 565**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 Richard Barron, Pearl River; Betty Brophy, Orangeburg; Mary Burtch, Orangeburg; Douglas Doller, Nyack; Dorothy Merchant, Pearl River (Councilman Diviny's mother-in-law); William Kull, Pearl River; Raymond Walter, Pearl River; Grace Kenney (Brian Kenney's mother); and Ruby Bomer, Nyack; at 9:33 p.m.

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

Charlotte Madigan, Town Clerk