

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, OCTOBER 26, 2009**

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

Councilman Denis Troy
Councilwoman Marie Manning
Councilwoman Nancy Low-Hogan
Councilman Michael Maturo

Also present: Charlotte Madigan, Town Clerk
Eliot Tozer, Deputy Supervisor
John Edwards, Town Attorney
Teresa Kenny, First Deputy Town Attorney
Suzanne Barclay, 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
Robert Simon, Receiver of Taxes
John Giardiello, Director of OBZPAE
Aric T. Gorton, Superintendent Parks-Rec. & Building Maint.
Mary Cardenas, Town Historian

Esta Baitler led the Pledge of Allegiance to the Flag.

On Thursday, October 29, 2009 at 8:00 p.m., St. Margaret's School Students will be performing at Lincoln Center.

The Town Board has been conservative in the budget estimates in terms of revenue and the use of the fund balance. There is a freeze on department heads, elected officials and other discretionary increases. The Town Board has reduced the 2010 Preliminary Budget, bringing it down a few hundred thousand dollars, which will lower the tax rate closer four. The Town Board plans to continue to work on the budget before the Public Hearing which is scheduled for Thursday, November 5th.

Summary of Public Comments (RTBM)

Esta Baitler, advocate for Cathy Lukens home, asked why a traffic study has not been done and why speed bumps have not been installed along Route 340.

Gail Raffaele, Tappan, said there is no assurance the Tappan Military property housing project is only going to be for veterans. According to the application for funding, by the Rockland Housing Coalition, the housing will be for mentally ill people, felons, domestic abuse individuals and their families and there will be only an element for veterans.

Eileen Larkin, Palisades, asked if the grant funds are to be a reduction to the Siemens contract. She is against the increase in term limits and she is not happy with the 4% budget increase.

RESOLUTION NO. 649

**OPEN PH/REAL PROPERTY TAX
EXEMPTION FOR CAPITAL
IMPROVEMENTS TO CERTAIN
RESIDENTIAL BUILDINGS**

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

RESOLVED, that the 8:00 p.m. public hearing to consider the adoption of a local law, amending Chapter 43 of the Town Code by adding a new Article VIII entitled "Real Property Tax Exemption for Capital Improvements to Certain Residential Buildings", as authorized by §421-f of the Real Property Tax Law is hereby opened.

Ayes: Councilpersons Manning, Low-Hogan, Troy, Maturo
Supervisor Kleiner
Noes: None

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 10-F-09 and made a part of these minutes.

Supervisor Kleiner explained this legislation is to stimulate home improvements between \$3,000 and \$80,000. The hope is that people who might otherwise deferred home improvements would be less inclined to defer them if they new any tax increase (any increase in assessment) based on that improvement would not kick in at all for the first year and would go up by 12.5%, up to eight years. This is a state program that the Town can opt into to encourage economic growth. The county is going to consider this and the school districts may consider it. It could be a sufficient tax savings for those making improvements and relatively little impact on the overall Town tax base but it would stimulate sales tax revenue and will create jobs where employment has been lost.

Summary of the Public portion:

Michael Mandel, Pearl River, is against this legislation. He believes this is wrong for the Town and taxpayers. If you can afford to renovate then you can afford the taxes. Any new legislation that reduces income to the Town should not be voted on, since 2010 may have new Board members. Eileen Larkin, Palisades, is against this legislation. There should be an in depth study before acting on this law. What will the impact be for the other taxpayers?
 Gail Raffaele, Tappan, opposes this legislation. You are taxing people who don't care to expand. If people can afford to put an addition on then they should be able to afford their taxes.
 Tim Finn, Orangeburg, asked if the improvements include outside and inside the house. He believes this legislation is just to gain votes. People who pay their taxes want a fair shake.

RESOLUTION NO. 650

CLOSE PUBLIC COMMENTS REAL PROPERTY TAX EXEMPTION FOR CAPITAL IMPROVEMENTS TO CERTAIN RESIDENTIAL BUILDINGS

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

RESOLVED, the public portion of this public hearing for is hereby closed.

Ayes: Councilpersons Low-Hogan, Maturo, Troy, Manning
 Supervisor Kleiner
 Noes: None

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RESOLUTION NO. 651

DESIGNATION OF LEAD AGENCY REAL PROPERTY TAX EXEMPTION FOR CAPITAL IMPROVEMENTS TO CERTAIN RESIDENTIAL BUILDINGS

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

RESOLVED, that the Town Board hereby declares itself Lead Agency in this matter.

Ayes: Councilpersons Maturo, Manning, Troy, Low-Hogan
 Supervisor Kleiner
 Noes: None

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RESOLUTION NO. 652

NEGATIVE SEQRA DECLARATION REAL PROPERTY TAX EXEMPTION FOR CAPITAL IMPROVEMENTS TO CERTAIN RESIDENTIAL BUILDINGS

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

Resolution No. 652 – Continued

RESOLVED, that a negative SEQRA Declaration is hereby adopted.

Ayes: Councilpersons Manning, Maturo, Troy, Low-Hogan
Supervisor Kleiner

Noes: None

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RESOLUTION NO. 653

**REAL PROPERTY TAX EXEMPTION
FOR CAPITAL IMPROVEMENTS TO
CERTAIN RESIDENTIAL BUILDINGS
TOWN BOARD/FURTHER DISCUSSIONS**

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

RESOLVED, that the Town Board voted to have a further discussion on this legislation.

Ayes: Councilpersons Maturo, Low-Hogan, Troy, Manning
Supervisor Kleiner

Noes: None

After a lengthy discussion the Town Board agreed to reserve its decision in order to hold a discussion regarding this matter with the school districts.

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RESOLUTION NO. 654

**RESERVE/REAL PROPERTY TAX
EXEMPTION FOR CAPITAL
IMPROVEMENTS TO CERTAIN
RESIDENTIAL BUILDINGS**

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

RESOLVED that the Town Board reserves its decision regarding a local law amending Chapter 43 of the Town Code by adding a new Article VIII entitled “Real Property Tax Exemption for Capital Improvements to Certain Residential Buildings”, as authorized by §421-f of the Real Property Tax Law.

Ayes: Councilpersons Maturo, Manning, Troy, Low-Hogan
Supervisor Kleiner

Noes: None

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RESOLUTION NO. 655

**NYS DOT/SPEED TRAFFIC SAFETY
STUDY/ROUTE 9W/LOWLAND DR
TAPPAN ZEE ELEMENTARY SCHOOL**

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

WHEREAS, Guy DeVincenzo, the Chairman of the Town of Orangetown Traffic Advisory Board, on behalf of the Traffic Advisory Board, recommends that the Town Board pass a resolution requesting that the New York State Department of Transportation conduct a speed, traffic and safety study for the Route 9W corridor between Lowland Drive and Tappan Zee Elementary School;

WHEREAS, Ms. Mary Kaplan, a resident of Upper Grandview, New York, has met with the Traffic Advisory Board on multiple occasions to discuss this issue;

WHEREAS, the New York State Department of Transportation has stated that it “will only consider this type of request from the local municipality within which the area of concern is

Resolution No. 655 - Continued

located,” and that “the municipality will need to send an official resolution to the Department requesting that the referenced situation be studied”;

WHEREAS, the Honorable Thomas P. Morahan, State Senator 38th District, also requests that the Town Board adopt a resolution requesting the State conduct a traffic study for this area;

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby requests that the New York State Department of Transportation conduct a speed, traffic and safety study for the Route 9W corridor between Lowland Drive and Tappan Zee Elementary School.

Ayes: Councilpersons Troy, Maturo, Manning, Low-Hogan
Supervisor Kleiner

Noes: None

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RESOLUTION NO. 656**POLICE REGULATION HANDICAPPED
PARKING/PEARL RIVER LIBRARY**

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

RESOLVED, that upon the recommendation of the Traffic Advisory Board, installation of one handicapped space in front of the Pearl River Library at 80 Franklin Avenue, Pearl River is hereby approved.

Ayes: Councilpersons Troy, Manning, Low-Hogan, Maturo
Supervisor Kleiner

Noes: None

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RESOLUTION NO. 657**AUTHORIZE/OUT OF DISTRICT
SEWER SERVICE CONNECTION
4 MARYCREST RD/W NYACK**

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

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Management and Engineering, and the Orangetown Town Attorney, permission is hereby granted for an out of district sewer service connection to the Rockland County Sewer District No. 1 for 4 Marycrest Road, West Nyack.

Ayes: Councilpersons Maturo, Troy, Manning, Low-Hogan
Supervisor Kleiner

Noes: None

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RESOLUTION NO. 658**AMEND CONTRACT/SIEMENS
ENERGY PERFORMACE CONTRACT
USE OF NYSERDA/US DOT/US DOE
GRANT FUNDS**

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

RESOLVED, that the Siemens Energy Performance Contract is amended, in the amount of \$405,452, to reflect the use of NYSERDA, U.S. DOT, and U.S. DOE grant funds.

Ayes: Councilpersons Maturo, Manning, Troy, Low-Hogan
Supervisor Kleiner

Noes: None

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RESOLUTION NO. 659**AWARD BID/JOHN DEERE HYDRO
BUNKER/INFIELD RAKE/LACORTE
FARM AND LAWN EQUIPMENT/PARKS**

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

WHEREAS, the Superintendent of Parks and Recreation duly advertised for sealed bids for a John Deere Hydro Bunker/Infield Rake, which were received and publicly opened on September 30, 2009. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 10-G-09, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to LaCorte Farm and Lawn Equipment, the lowest qualified bidder, in the amount of \$11,375.00 to be charged to Account No. A7020/50200.

Ayes: Councilpersons Manning, Low-Hogan, Troy, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 660**TAX CERTIORARI/STIPULATION OF
SETTLEMENT AND ORDER
CHROMALLOY AMERICAN CORP**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, Dennis D. Michaels, Deputy Town Attorney, is hereby authorized to sign the Stipulation of Settlement and Order regarding the tax certiorari proceeding *Chromalloy American Corp. v. The Assessor, et al.* Tax Map designation 73.20-1-1 for the tax assessment year 2004 through 2009, for a total refund by the County of \$17,443, and for a total refund by the Town of \$72,295. 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 Manning, Troy, Low-Hogan, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 661**SCHEDULE PUBLIC HEARING
ILLEGAL SEWER HOOKUPS**

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

RESOLVED, that a public hearing is scheduled for November 9, 2009 at 8:00 p.m. to consider a proposed local law pertaining to Illegal Sewer Hookups. The proposed local law is pursuant to the Consent Order previously agreed to with the State of New York.

Ayes: Councilpersons Low-Hogan, Manning, Troy, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 662**ACCEPT MINUTES**

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

Resolution No. 662 - Continued

RESOLVED, that the September 29, 2009 Regular Town Board Meeting, Audit Meeting and Executive Session minutes are hereby accepted.

Ayes: Councilpersons Low-Hogan, Maturo, Troy, Manning
 Supervisor Kleiner
 Noes: None

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RESOLUTION NO. 663 **2010 PRELIMINARY BUDGET WITH AMENDMENTS/ RECEIVED/FILED**

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

RESOLVED, that the 2010 Preliminary Budget with the following amendments is received and filed in the Town Clerk’s Office.

Changes to the Supervisor's Budget

	Supervisor's Budget	Change	Preliminary Budget
Sewer			
Unit Charges	\$ 5,601,012	\$ (300,000)	\$ 5,301,012
Property Taxes	\$ 340,000	\$ 300,000	\$ 640,000
Health Insurance			
General	\$ 1,245,000	\$ (30,000)	\$ 1,215,000
TOV Police	\$ 2,500,000	\$ (25,000)	\$ 2,475,000
TOV Other	\$ 275,000	\$ (5,000)	\$ 270,000
Highway PT	\$ 455,000	\$ (5,000)	\$ 450,000
Highway TW	\$ 400,000	\$ (5,000)	\$ 395,000
Blue Hill	\$ 175,000	\$ (10,000)	\$ 165,000
Broad Acres	\$ 49,000	\$ (4,000)	\$ 45,000
Sewer	\$ 750,000	\$ (20,000)	\$ 730,000
Total	\$ 5,849,000	\$ (104,000)	\$ 5,745,000

Ayes: Councilpersons Maturo, Low-Hogan, Troy, Manning
 Supervisor Kleiner
 Noes: None

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RESOLUTION NO. 664 **TIER II/III PUMPING STATIONS-PHASE I (PS-06-3G)/CHANGE ORDER NO.1/COPPOLA SERVICES INC.**

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

RESOLVED, that the fully executed original of Change Order No. 1 (dated 10/6/09) for the Tier II/III Pumping Stations-Phase I (PS-06-3G) with Coppola Services, Inc. is received and filed in the Town Clerk’s Office.

Ayes: Councilpersons Maturo, Manning, Troy, Low-Hogan
 Supervisor Kleiner
 Noes: None

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RESOLUTION NO. 665 **PERMISSION GRANTED/FIRE INSPECTOR/FIRE INVESTIGATION**

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

Resolution No. 665 - Continued

RESOLVED, that permission is hereby granted to Douglas Sampath to attend the Fire Investigation Seminar at the NYS Fire Academy in Montour Falls, NY, from November 4-6, 2009, at a cost of \$281.80, to be charged to Account No. B3621/50441.

Ayes: Councilpersons Manning, Maturo, Troy, Low-Hogan
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 666**RESCHEDULE WORKSHOP
NOVEMBER 2/NOVEMBER 5**

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

RESOLVED, that the Workshop meeting scheduled for November 2nd has been rescheduled to November 5th.

Ayes: Councilpersons Maturo, Troy, Manning, Low-Hogan
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 667**ENTER AUDIT**

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

RESOLVED, that the Town Board entered the Audit Meeting at 9:10 p.m.

Ayes: Councilpersons Manning, Maturo, Troy, Low-Hogan
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 668**PAY VOUCHERS**

Councilwoman Manning 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 General Fund, Town Outside Village, Blue Hill, Broadacres, Highway, Sewer, Trust and Agency, Special District, Special Parking and Capital Projects Funds, in the amount of \$710,457.87.

Ayes: Councilpersons Manning, Maturo, Troy, Low-Hogan
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 669**ENTER EXECUTIVE SESSION**

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

RESOLVED, that the Town Board entered the Executive Session at 9:11 p.m.

Ayes: Councilpersons Maturo, Manning, Troy, Low-Hogan
Supervisor Kleiner
Noes: None

Resolution Nos. 670 and 671 see Executive Session

RESOLUTION NO. 672

ADJOURNMENT

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

RESOLVED, that the Town Board adjourned, in memory of Helen Barry, at 9:30 p.m.

Ayes: Councilpersons Troy, Manning, Low-Hogan, Maturo
Supervisor Kleiner

Noes: None

Charlotte Madigan, Town Clerk