

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, NOVEMBER 23, 2010**

This Town Board Meeting was opened at 7:33 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
Teresa Kenny, First Deputy Town Attorney
Denise Sullivan, Deputy Town Attorney
Dennis Michaels, Deputy Town Attorney
AnnMarie Hahr, Executive Assistant to the Supervisor
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways
Scott Burton, Director of Environmental Management & Engineering
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks-Rec & Building Maint.

Esta Baitler led the Pledge of Allegiance to the Flag.

Summary of Public Comments (RTBM):

David Michaelian, Tappan, spoke about 18-wheeler trucks parking along Route 303.
Andrew Wiley, Pearl River, spoke regarding the Town Assessor's use of a Town vehicle, and the settlement with the DEC, regarding the Clarkstown landfill.

RESOLUTION NO. 677

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

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

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RESOLUTION NO. 678

**OPEN PH/POLICE REGULATION
CHAPTER 39 TOWN CODE/FIRE LANES**

Councilman Troy 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 a proposed Local Law amending Chapter 39, Article 1, Section 39-5.1 entitled "Fire Lanes" of the Town Code is hereby opened. This proposed Local Law will add fire lanes in the Hamlets of Blauvelt, Orangeburg, Pearl River, Sparkill and Tappan.

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

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Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 12-A-10 and made a part of these minutes.

Michael Bettmann, Chief Fire Inspector, said the Town Code has to be amended in order to make fire lanes enforceable by the Police.

Summary of Public Comments:

James Castagna, Sparkill, asked why Palisades was not included.

RESOLUTION NO. 679**CLOSE PH/POLICE REGULATION
CHAPTER 39 TOWN CODE/FIRE LANES**

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

RESOLVED, that the public portion is hereby closed.

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

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RESOLUTION NO. 680**LEAD AGENCY/POLICE REGULATION
CHAPTER 39 TOWN CODE/FIRE LANES**

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

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

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

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RESOLUTION NO. 681**SEQRA DECLARATION/POLICE
REGULATION/CHAPTER 39 TOWN
CODE/FIRE LANES**

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

RESOLVED, that a SEQRA Declaration of non-significance, indicating that the action the Town Board is contemplating will not have a significant negative impact on the environment, is hereby adopted.

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

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**PROPOSED LOCAL LAW NO. 6 of 2010
TOWN OF ORANGETOWN**

Be it enacted by the Town Board of the Town of Orangetown that Local Law No. 2 of 2009 (Chapter 39 of the Code of the Town of Orangetown entitled "Vehicles and Traffic", Section 39-5.1 entitled "Fire Lanes") is hereby amended to read as follows:

G. In the Hamlet of Blauvelt:

(7) BL 7: Fire lanes are designated at the property of Galaxy Nyack, Inc. d/b/a Rockland Toyota, 618 Route 303, Blauvelt, NY, (Section 65.18 Block 1 Lot 7) from the fire connection hookup on the South side of the building and within the entire fenced in area near the fire connection hookup.

(8) BL 8: Fire lanes are designated on the property of Bradley Industrial Park, located at 400 Oritani Drive, Blauvelt, New York (Section 70.06 Block 1 Lot 1.12), for the entire outside perimeter of the parking area other than duly marked and approved parking spaces and loading docks.

Proposed Local Law No. 6, 2010 - Continued

(9) BL 9: Fire lanes are designated on the property of Ebenezer Full Gospel Assembly Church, 136 Sunset Road, Blauvelt, New York (Section 70.05 Block 1 Lot 16) on the entire outside perimeter of the paved parking area other than duly marked and approved parking spaces.

H. In the Hamlet of Orangeburg:

(17) OB 17: Fire lanes shall be designated on the property of Sisters of St. Dominic of Blauvelt, 488-500 Western Highway in Orangeburg, New York (Section 74.06, Block 3, Lot 18) as follows:

- A. The circle in front of Granito Center is hereby designated as a fire lane.
- B. The circle in front of Hertel Hall is hereby designated as a fire lane.
- C. At the Prusmack Center for Health & Science Education, there shall be fire lanes on the entire length of the Western side of Campus Road from the fire hydrant located at the end of Hertel Hall parking lot and continuing to Guzman Hall.

(18) OB 18: Fire lanes are designated on the property of Orangeburg Racquet Club LLC, 39 Ramland Road, Orangeburg, New York (Section 77.05 Block 1 Lot 1) (located within the Tappan Fire District) for the entire length of the grass paver fire lane located on the North side and the East side of the Building.

J. In the hamlet of Pearl River:

(22) PR 22: Fire lanes are designated on the property of 167 East Central Avenue, LLC located at 167 E. Central Avenue, Pearl River, New York 10965 (Section 68.16 Block 6 Lot 36) for the entire length of the driveways located on the East side and the West side of the building.

(23) PR 23: The entire length of the private shared driveway on the properties known as Section 69.14, Block 2, Lots 5.1, 5.2 and 5.3 (the DiPietrantonio Subdivision), is hereby designated a fire lane as declared in a Declaration recorded in the Rockland County Clerk's Office on September 15, 2009 as Instrument Number 2009-00033341.

K. In the hamlet of Sparkill:

(2) SP 2: Fire lanes shall be designated for the entire length of the fire road behind Buildings #2 and #4 on the property of Thorpe Village (Section 74.16 Block 1 Lot 23) with addresses #1 Thorpe Drive, #2 Thorpe Drive, #3 Thorpe Drive, #4 Thorpe Drive, #5 Thorpe Drive, #6 Thorpe Drive, Sparkill, New York.

(3) SP 3: Fire lanes shall be designated on the property of St. Thomas Aquinas College, 125 Route 340, Sparkill, New York (Section 74.16 Block 1 Lot 1) on the main access road, west area access road, service area access road, east area access road and Marian Hall dormitory access road.

(4) SP 4: Fire lanes shall be designated on the property of St. Thomas Aquinas College at McNelis Commons located on the South Campus (Section 74.15 Block 1 Lot 17) for all paved areas other than duly marked and approved parking spaces.

(5) SP 5: A fire lane shall be designated on the property of St. Thomas Aquinas College at Aquinas Village (Section 74.16 Block 1 Lot 23) for the entire length of the ten (10') foot gravel drive for emergency vehicle fire access located at the perimeter of Buildings numbered 1, 2 and 3.

(6) SP 6: Fire lanes are designated on the property of Dowling Housing Corp. for Dowling Gardens (located within the Sparkill-Palisades Fire District #1), 190 Kings Highway, Sparkill, New York (Section 74.16 Block 1 Lot 2.2) on the West side near the black-topped fire

Proposed Local Law No. 6, 2010 - Continued

lane path on the rear side of the building; and on the North side where the circle at the front entrance of the building is located, and continuing the entire length of the driveway to Kings Highway.

L. In the hamlet of Tappan:

(13) TA 13: Fire lanes are designated on the property of State Line Plaza, Inc., 38-58 Route 303, Tappan, New York (Section 77.15 Block 1 Lot 34), as follows: all paved areas of the parking lot on all sides of the building other than duly marked and approved parking spaces and loading zones.

This local law shall take effect immediately upon filing a copy with the Secretary of State as required by law.

RESOLUTION NO. 682**ADOPTED/POLICE REGULATION
CHAPTER 39 TOWN CODE/FIRE
LANES/LL 6 2010**

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

RESOLVED, that the Town Board hereby adopted the proposed Local Law amending Chapter 39, Article 1, Section 39-5.1 entitled "Fire Lanes" of the Town Code. This proposed Local Law will add fire lanes in the Hamlets of Blauvelt, Orangeburg, Pearl River, Sparkill and Tappan.

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

Noes: None

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RESOLUTION NO. 683**COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items six (6) thru eight (8) are hereby combined.

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

Noes: None

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RESOLUTION NO. 684**APPROVE TAX CERTIORARI
303 ASSOCIATES**

Councilman Maturo 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 approved and authorized to sign the Consent Judgment regarding the tax certiorari proceeding *303 Associates LLC v. The Assessor, et.al.*, Tax Map designation 74.15-1-12 for the tax assessment years 2005 through 2009 for a total refund by the County of \$1,069, for a total refund by the School District of \$14,529, and for a total refund by the Town of \$5,205. 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. 685**APPROVE TAX CERTIORARI
ENTERPRISE RENT-A-CAR**

Councilman Maturo 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 approved and authorized to sign the Consent Judgment regarding the tax certiorari proceeding *Enterprise Rent-A-Car v. The Assessor, et.al.*, Tax Map designation 66.37-1-5 for the tax assessment years 2007 through 2009 for a total refund by the County of \$188, for a total refund by the School District of \$2,995, and for a total refund by the Town of \$708. 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. 686**APPROVE TAX CERTIORARI/DIRECT
INVEST RTE 303 LLC**

Councilman Maturo 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 approved and authorized to sign the Consent Judgment regarding the tax certiorari proceeding *Direct Invest Rte 303 LLC v. The Assessor, et.al.*, Tax Map designation 65.18-1-9 for the tax assessment years 2009 through 2010 for a total refund by the County of \$3,202, for a total refund by the School District of \$45,864, and for a total refund by the Town of \$15,877. 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. 687**APPROVE NYS CAPITAL
ASSISTANCE PROGRAM GRANT
DISBURSEMENT AGREEMENT**

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

WHEREAS, the Town of Orangetown has been selected to receive a New York State Capital Assistance Program grant in the amount of \$1,200,000.00;

WHEREAS, the project for which the grant will be utilized is flood mitigation for the Sparkill Creek;

WHEREAS, in order to receive the grant, the Town must enter into the Grant Disbursement Agreement;

WHEREAS, Jim Dean, the Superintendent of Highways, and the Town Attorney's Office recommend approval of the agreement;

NOW BE IT RESOLVED, that the Town Board approves the New York State Capital Assistance Program Grant Disbursement Agreement and authorizes Supervisor Paul Whalen to execute three original versions of the Agreement.

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

RESOLUTION NO. 688**APPROVE INSTALLATION OF
VERIZON WIRELESS GENERATOR**

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

RESOLVED, that subject to permissive referendum, the Amendment to the Lease Agreement with Verizon Wireless to allow the installation of a back up generator and additional equipment at Town Hall, extending the lease term by two additional five year option terms and immediately increasing the rent from \$1,331 to \$2,500 a month, with 3% annual increase thereafter, is hereby approved and Supervisor Whalen is authorized to sign said Amendment.

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

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RESOLUTION NO. 689**SET PUBLIC HEARING DATE
LL DOG LICENSES**

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

RESOLVED, that a public hearing is scheduled for December 14, 2010 at 9:00 PM, to consider a local law, Dog Licensing and Control Law of the Town of Orangetown, is hereby opened.

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

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RESOLUTION NO. 690**APPOINT/LABORER/DEME
ROBERT GERARD**

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

RESOLVED, that employee, Robert Gerard, is hereby appointed to the position of laborer in the Department of Environmental Management and Engineering, grade 9-step14, annual salary \$63,586.00, effective November 29, 2010.

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

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RESOLUTION NO. 691**SET PUBLIC HEARING/PROPERTY
VIOLATION/61 WASHINGTON
SPRINGS ROAD/CANFIELD**

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

RESOLVED, that a public hearing is scheduled for December 14, 2010 at 8:45 PM, pursuant to Chapter 24C-15, Property Maintenance Violation, of the Town Code for the Town of Orangetown, to consider performing work at the property known as 61 Washington Springs Road, Palisades, S/B/L 78.18-1-17.

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

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RESOLUTION NO. 692**AWARD BID/CHEMICALS FERTILIZERS
PARKS & RECREATION**

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

WHEREAS, the Superintendent of Parks and Recreation duly advertised for sealed bids for chemicals and fertilizers, making a best effort to acquire organic alternatives, which were received and publicly opened on November 10, 2010. The Superintendent made this recommendation to the Town Board; a copy is labeled Exhibit 12-B-10, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to the lowest qualified bidders as follows:

Fert-L Soil, Scotch Plains, NJ—Item 14 totaling \$2,028.40
 John Deere Landscapes/Lesco, Inc., Cleveland, OH—Item 21 totaling \$5,849.00
 Agrium Advanced Tech, North Brunswick, NJ—Item 15 totaling \$655.60
 Harrell's Inc., Lakeland, FL—Items 1, 9, 22 totaling \$22,351.00
 Matrix Turf, Warners, NY – Items 4, 19 totaling \$5,035.00
 Terre Co., Clifton, NJ – Items 5, 20, 23 totaling \$29,041.40
 Metro Turf, New Paltz, NY – Items 2, 3, 6, 7, 10, 11, 12, 16 totaling \$52,795.65
 Turf Products, Mountain Lakes, NJ – Items 8, 17, 18, 24 totaling \$25,886.00

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

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RESOLUTION NO. 693**COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items fifteen (15) thru twenty (20) are hereby combined.

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

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RESOLUTION NO. 694**ACCEPT MINUTES**

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

RESOLVED, that the October 26, 2010 Regular Town Board Meeting, Audit Meeting and Executive Session minutes; the October 30, 2010 and November 1, 2010 Special Town Board Meeting minutes and the November 3, 2010 Police Commission, Public Hearing and Executive Session minutes are hereby accepted.

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

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RESOLUTION NO. 695**EMPLOYEE ASSISTANCE PROGRAM
AGREEMENT/NYACK HOSPITAL
RECEIVED/FILED**

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

Resolution No. 695 - Continued

RESOLVED, that the Employee Assistance Program Agreement between Nyack Hospital and the Town is received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 696**NAURASHAUN CREST/ROCKHILL
BUILDING CORP/MCCANDLESS
COURT/RECEIVED/FILED**

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

RESOLVED, that the following original documents regarding Naurashaun Crest Subdivision, McCandless Court, West Nyack are received and filed in the Town Clerk's Office:

1. Quit Claim Deed from Schletter for McCandless Court (RC Inst #2010-12179).
2. Quit Claim Deed from Muckell for McCandless Court (RC Inst#2010-12181).
3. Quit Claim Deed from Rockhill Building McCandless Court (RC Inst#2010-12182).
4. 15' Drainage Easement from Rockhill Building (RC Inst#2010-12183).
5. Title Insurance Policy from Chicago Title (Policy#2006 1043670-McCall Abstract)

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

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RESOLUTION NO. 697**ROCKHILL BUILDING CORP/CARTERET
GROUP/GREENE ST/ TAPPAN
RECEIVEDAND FILE**

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

RESOLVED, that the following original documents regarding Rockhill Building Corp/Carteret Group, Greene Street, Tappan are received and filed in the Town Clerk's Office:

1. Deed for Greene Street
2. Title Insurance Policy 2005C100795

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

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RESOLUTION NO. 698**WWTPCIP/TIER I PUMPING STATION
PS-06-2E/FANSHAWE ELECTRIC
COMPLETION DOCUMENTS/RECEIVED
AND FILED**

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

RESOLVED, that the following executed documents regarding the Tier I Pumping Station (PS-06-2E) and Fanshawe Electric are received and filed in the Town Clerk's Office:

1. Certificate of Substantial Completion
2. Contractor Release and Discharge

Resolution No. 698 – Continued

- 3. Certificate of Final Completion
- 4. Certificate and Release

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

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RESOLUTION NO. 699

JUSTICE COURT/AUTHORIZATION OF PROSECUTING AUTHORITY/RECEIVED AND FILED

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

RESOLVED, that a letter from the District Attorney of the County of Rockland authorizing the Town Attorney and the Orangetown Police Department and/or any other sworn police officer who issues traffic infractions returnable in the Orangetown Justice Court to act as a prosecuting authority is received and filed in the Town Clerk’s Office:

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

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RESOLUTION NO. 700

APPROVE EQUIPMENT LEASE GOOSETOWN ENTERPRISES

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

RESOLVED, that an equipment lease, with Goosetown Enterprises, in the amount of \$17,280 semi-annually for 60 months for 34 Motorola XPR6550 VHF portable radios and 30 Motorola XPR4550 XPR VHF mobile radios to be charged to Account Number B3120.443.16; contingent on appropriation of funds is hereby approved.

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

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RESOLUTION NO. 701

APPROVE BUDGET TRANSFER

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

RESOLVED, that the following funds are transferred to capital projects and total project costs are amended as follows:

Transfer \$9,896 from the General Fund to the Salyer House capital project and increase the final capital project cost to \$196,896 from \$187,000.

Transfer \$1,256 from the General Fund to the Playground Equipment Replacement capital project and increase the final capital project cost to \$51,256 from \$50,000.

Transfer \$8,990 from the General Fund to the Steps to a Healthier New York capital project and increase the final capital project cost to \$18,990 from \$14,500.

Transfer \$435,538 from the Parks Trust Fund (\$300,000 was assumed in the bond resolution) to the RPC Playing Fields capital project and increase the final capital project cost to \$6,468,438 from \$6,225,000.

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

RESOLUTION NO. 702**APPROVE CLOSING CAPITAL
PROJECTS ACCOUNTS/TRANSFER
UNSPENT FUNDS**

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

RESOLVED, that the following capital projects are hereby closed:

- Salyer House
- Playground Equipment Replacement
- Steps to a Healthier New York

And the following capital projects are closed and unspent bond proceeds are hereby transferred to the Debt Service Fund

- Sewer Reconstruction (Tratoras)
- Emergency Generators (Sewer)
- Municipal Swimming Facility/Community Center
- Highway Vehicles 2005
- Sewer Vehicles 2005
- Cherry Brook Drainage

And the Pearl River Revitalization capital project (\$7,529) is hereby closed and the unspent monies are hereby transferred to the Pearl River Parking District.

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

Noes: None

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RESOLUTION NO. 703**APPROVE FUNDING/PEARL RIVER
ROTARY SHARED CHRISTMAS**

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

RESOLVED, that funding in the amount of \$1,250 for the Pearl River Rotary Shared Christmas – December 10th (rain/snow date 12/17th), to be charged to Account No. A7550/50457 is hereby approved.

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

Noes: None

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RESOLUTION NO. 704**AUTHORIZE ENTERING INTO
CLARKSTOWN LANDFILL CONSENT
DECREE, DECLARATION OF TRUST
AND FUNDING AGREEMENT**

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

WHEREAS, the State of New York Department of Environmental Conservation (“NYDEC”) has asserted claims pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (“CERCLA”), state law and common law against numerous parties, including the Town of Orangetown;

WHEREAS, NYDEC seeks to recover response costs incurred in excess of \$20 million and future response costs to be incurred in connection with the Clarkstown Landfill (the “Site”), which is located in the Town of Clarkstown and has been listed in the New York Register of Inactive Hazardous Waste Disposal Sites under Site Code No. 3440001;

Resolution No. 704 - Continued

WHEREAS, the Town of Orangetown is a member of the Clarkstown Landfill Joint Defense Group (the “Joint Defense Group”);

WHEREAS, the Joint Defense Group, the Town of Clarkstown, and the NYDEC have entered into a proposed settlement agreement in the form of a consent decree, which will be lodged and entered in a new civil action to be filed by the NYDEC in the U.S. District Court for the Southern District of New York;

WHEREAS, the proposed settlement requires the Joint Defense Group to pay the sum of \$4 million over a two year period;

WHEREAS, the Joint Defense Group in order to execute the collection and payment of this amount is establishing the Clarkstown Landfill Settlement Trust, and the Town in order to take part in the Consent Decree must approve and execute the “Declaration of Trust for the Clarkstown Landfill Settlement Trust” as well as the “Agreement Regarding Funding of the Consent Decree Concerning the Clarkstown Landfill”;

WHEREAS, under the terms of the Consent Decree, the Declaration of Trust, and the Agreement Regarding Funding of the Consent Decree, the Town will be obligated to pay \$767,128.50 on or before 60 days after judicial approval of the Consent Decree and \$767,128.50 on or before the same date one year after the first payment is made;

WHEREAS, the Highway Department and the Department of Environmental Management and Engineering recommend approval of the Consent Decree, the Declaration of Trust, and the Agreement Regarding the Funding of the Consent Decree;

WHEREAS, the Town Attorney’s Office finds the Consent Decree, the Declaration of Trust, and the Agreement Regarding the Funding of the Consent Decree to be legally sufficient and recommends approval of said documents;

NOW BE IT RESOLVED, that the Town Board hereby approves the Consent Decree, the Declaration of Trust, and the Agreement Regarding Funding of the Consent Decree, and authorizes Supervisor Paul Whalen to execute said documents.

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

Noes: None

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RESOLUTION NO. 705

AUTHORIZING THE FINANCING OF PAYMENTS REQUIRED UNDER A CONSENT DECREE WITH THE STATE AND STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION BY THE TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,534,247 AND AUTHORIZING THE ISSUANCE OF \$1,534,247 BONDS OF SAID TOWN TO PAY THE COST THEREOF/CLARKSTOWN LANDFILL

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

BE IT RESOLVED, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Town Board of the Town of Orangetown, Rockland County, New York, as follows:

Section 1. The financing of payments required under a consent decree with the State of New York and the State Department of Environmental Conservation, in connection with

Resolution No. 705 - Continued

hazardous substances at the Clarkstown Landfill, including incidental expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$1,534,247.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$1,534,247 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 33 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized **will not exceed five years**.

Section 4. The faith and credit of said Town of Orangetown, Rockland County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property outside of the incorporated Villages of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

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RESOLUTION NO. 706

**AMEND/AUTHORIZE GOLF PRO SHOP
MANAGEMENT NEGOTIATIONS**

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

RESOLVED, that the Town Attorney is authorized to enter into negotiations with one or more proposers to the Town’s Request for Proposal regarding Golf Pro Shop Management.

RESOLVED, that the above resolution is hereby amended as follows:

RESOLVED, that the Town Attorney is authorized to enter into negotiations with Connelly/Watzka for Blue Hill and Joe Wrafter for Broadacres to the Town’s Request for Proposal regarding Golf Pro Shop Management.

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

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RESOLUTION NO. 707

**AUTHORIZE GOLF PRO SHOP
MANAGEMENT NEGOTIATIONS**

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

RESOLVED, that the Town Attorney is authorized to enter into negotiations to the Connelly/Watzka for Blue Hill and Joe Wrafter for Broadacres to Town’s Request for Proposal regarding Golf Pro Shop Management.

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

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RESOLUTION NO. 708

**AUTHORIZE/OUTSIDE COUNSEL
LABOR & EMPLOYMENT/LAMB &
BARNOSKY**

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

RESOLVED, that the retainer Agreement with Lamb & Barnosky, LLP, to provide legal advice and services to the Town with regard to labor and employment issues at a rate of \$295.00 per hour for Richard Zuckerman, \$275.00 for partners, \$225.00 for associates, and \$150.00 for legal assistants is approved and the Supervisor is authorized to sign the Agreement.

RESOLVED, that the above resolution is hereby amended as follows:

RESOLVED, that the retainer Agreement with Lamb & Barnosky, LLP, to provide legal advice and services to the Town with regard to labor and employment issues at a rate of \$295.00 per hour for Richard Zuckerman, \$275.00 for partners, \$225.00 for associates, and \$150.00 for legal assistants, **not to exceed \$20,000**, is approved and the Supervisor is authorized to sign the Agreement.

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

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RESOLUTION NO. 709**AUTHORIZE OUTSIDE COUNSEL
LABOR & EMPLOYMENT/LAMB &
BARNOSKY**

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

RESOLVED, that the retainer Agreement with Lamb & Barnosky, LLP, to provide legal advice and services to the Town with regard to labor and employment issues at a rate of \$295.00 per hour for Richard Zuckerman, \$275.00 for partners, \$225.00 for associates, and \$150.00 for legal assistants, not to exceed \$20,000, is approved and the Supervisor is authorized to sign the Agreement.

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

Noes: None

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RESOLUTION NO. 710**ENTER EXECUTIVE SESSION**

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

RESOLVED, that the Town Board entered Executive Session at 8:56 p.m.

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

Noes: None

Resolution Nos. 711 and 712 see Executive Session.

RESOLUTION NO. 713**SCHEDULE PH /INCREASE SEWER
BOND/SLUDGE TANKS**

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

WHEREAS, the Town Board of the Town of Orangetown, Rockland County, New York, has caused to be prepared a map, plan and report, including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of the Orangetown Sewer District, in the Town of Orangetown, Rockland County, New York, being the renovation of sludge tanks, at a maximum estimated cost of \$1,200,000; and

WHEREAS, after a public hearing thereon the Town Board approved the project and authorized financing thereof:

WHEREAS, it has now been determined that the maximum estimated cost of such project is \$600,000 more than previously approved; and

WHEREAS, it is now desired to call a public hearing on the question of the increased cost of the renovation of sludge tanks for the Orangetown Sewer District, in the matter described above, and to hear all persons interested in the subject thereof, concerning the same, in accordance with the provisions of Section 202-b of the Town Law;

NOW, THEREFORE, IT IS HEREBY ORDERED, by the Town Board of the Town of Orangetown, Rockland County, New York, as follows:

Section 1. A public hearing will be held at the Town Hall, in Orangeburg, New York, in said Town, on December 14, 2010, at 9:15 o'clock P.M., Prevailing Time, on the question of the increased cost of the increase and improvement of the Orangetown Sewer District, in the Town of Orangetown, Rockland County, New York, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Resolution No. 713 - Continued

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the Journal News, the official newspaper, and also to cause a copy thereof to be posted on the sign board of the Town, such publication and posting to be made not less than ten, nor more than twenty, days before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the form attached hereto as Exhibit A and hereby made a part hereof.

Section 4. This Order shall take effect immediately.

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

Noes: None

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RESOLUTION NO. 714

ENTERED AUDIT

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

RESOLVED, that the Town Board entered the Audit Meeting at 9:05 p.m.

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

Noes: None

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RESOLUTION NO. 715

PAY VOUCHERS

Councilman Troy 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 the General Fund, Town Outside Village, Blue Hill, Broadacres, Highway, Sewer, Capital Projects, Risk Retention, Special District and Parking Funds for a total amount of \$4,299,618.16 including \$3,710,819.00 in inter-fund transfers.

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

Noes: None

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RESOLUTION NO. 716

ADJOURNMENT

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

RESOLVED, that the Town Board adjourned, in memory of Sgt. Edward Bolen, Blauvelt and Ann Jackson, Nyack College Student, at 9:12 p.m.

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

Noes: None

Charlotte Madigan, Town Clerk