

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, DECEMBER 14, 2010**

This Town Board Meeting was opened at 7:30 p.m. Supervisor Whalen presided and the Deputy Town Clerk called the Roll. Present were:

Councilman Denis Troy
Councilwoman Nancy Low-Hogan
Councilman Michael Maturo
Councilman Thomas Diviny

Also present: Teresa Accetta-Pugh, Deputy 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
Scott Burton, Director of Environmental Management & Engineering
Robert Simon, Receiver of Taxes
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks-Rec & Building Maint.
Kevin Nulty, Police Chief

Teresa Accetta-Pugh led the Pledge of Allegiance to the Flag.

The Town Board congratulated Charles Richardson, Director of Finance, in receiving a Certificate of Achievement for Excellence in Financial Reporting from Government Finance Officers Association.

Summary of Public Comments (RTBM):

Mike Mandel, Pearl River, asked if a cost analysis of hiring vs. overtime was done for the DEME laborer position. He asked for the names and amounts of the sewer claim settlements.
Gail Raffaele, Tappan, opposes waiving any permit fees. She is disappointed and appalled the Town Board did not know the Town law regarding qualifications for the Director of the Sewer department.
Habib Hasan, Pearl River, asked for support for his candlelight vigil honoring our Nation's Armed Forces being held December 24th from 5 p.m. to 6 p.m. at Veteran's Memorial Park.
Eileen Larkin, Palisades, congratulated Charlie Richardson and thanked the Highway, Sewer and Police Departments for their hard work. She believes in open government and that questions at meetings should be answered.

RESOLUTION NO. 725

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

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

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RESOLUTION NO. 726

**OPEN PH/G.L.F. REALTY COMPANY
(SHOPRITE)/245 E CENTRAL AVE
ZONE CHANGE/69.13-3-35**

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

RESOLUTION NO. 726

RESOLVED, that the 8:00 p.m. continuation of public hearing to consider the petition from G.L.F. Realty Company, Inc. (Shoprite), 245 East Central Avenue, Pearl River (69.13-3-35) for a zone change, from RG District (General Residence) to a CC District (Retail Commerce) is hereby opened.

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

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Summary of Public Comments:

Donald Brenner, Attorney, said the engineering traffic studies have been done. The applicant has been before Orangetown's advisory committee, who approved the engineering studies. At this time, he is waiting for approval from the school board.

RESOLUTION NO. 727**G.L.F. REALTY COMPANY, INC
(SHOPRITE) ZONE CHANGE PETITION
CONTINUE PUBLIC HEARING**

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

RESOLVED, that the public hearing to consider the petition of G.L.F. Realty Company, Inc. (Shoprite), 245 East Central Avenue, Pearl River (69.13-3-35) for a zone change, from an RG District (General Residence) to a CC District (Retail Commerce), will continue on February 8, 2011 at 8 p.m.

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

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RESOLUTION NO. 728**OPEN PH/POLICE REGULATION
VEHICLES & TRAFFIC PROHIBIT
TRAFFIC TURNS**

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

RESOLVED, that the 8:30 p.m. to consider a proposed Local Law amending the Town Code, Chapter 39 entitled "Vehicles and Traffic", by adding a new §39.12.1, Prohibited Turns is hereby opened. This proposed Local Law will prohibit left turns from West Washington Avenue (Eastbound) onto North Magnolia and North Serven Street during the hours of 7 a.m. to 9 a.m. and from 4 p.m. to 7 p.m.

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

Teresa Accetta-Pugh, Deputy Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 12-C-10 and made a part of these minutes.

James Dean, Superintendent of Highways, said this was recommended by the Traffic Advisory Board with the assistance of the Highway and Police Departments in order to not bypass the traffic light. The residents in the area, are concerned about safety, speeding and the volume of cars. The Highway Department is working with the State in adjusting the traffic light timing and the County to improve that intersection. A municipality must follow the Uniform manual for Traffic Control Devices, which says signage must be 7 feet from the payment.

Guy DeVincenzo, Traffic Advisory Board Chairman, said the approach that was taken was three part, technical advice from the Highway Department, Police enforcement and alternatives, and review of the signage. It is a confusing corner because part is State roads, and part is local roads with different jurisdictions. The issue is not just making right turns, it is a three part approach.

Summary of Public Comments:

Dave Kasny, Pearl River, said the issue is more than just the turning factor. He is concerned about speeding. He asked for clarity of the different speed limit signs.

Andrew Amo, Pearl River, said there is a large amount of speeding traffic and Police enforcement is needed. He is concerned about safety for pedestrians.

RESOLUTION NO. 729

**CLOSE PH/POLICE REGULATION
VEHICLES & TRAFFIC PROHIBIT
TRAFFIC TURNS**

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

RESOLVED, that the public portion is hereby closed.

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

Noes: None

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RESOLUTION NO. 730

**LEAD AGENCY/POLICE REGULATION
VEHICLES & TRAFFIC PROHIBIT
TRAFFIC TURNS**

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

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

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

Noes: None

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RESOLUTION NO. 731

**SEQRA DECLARATION/POLICE
REGULATION/VEHICLES &
TRAFFIC/PROHIBIT TRAFFIC TURNS**

Councilman Diviny offered the following resolution, which was seconded by Councilwoman Low-Hogan 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. A copy is labeled Exhibit 12-D-10, and made a part of these minutes.

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

Noes: None

**TOWN OF ORANGETOWN
LOCAL LAW NO. 7, 2010**

Be it enacted by the Town Board of the Town of Orangetown as follows:

Section 1. Title.

A Local Law amending Chapter 39 (Vehicles and Traffic), Article I (Vehicle and Traffic Regulations) of the Code of the Town of Orangetown.

Section 2. Amend Chapter 39, by adding:

39-12.1. Prohibited Turns.

In the Hamlet of Pearl River:

- (1) Left turns from West Washington Avenue (Eastbound) onto North Magnolia Street are prohibited during the hours of 7 a.m. to 9 a.m. and 4 p.m. to 7 p.m.

Local Law 7, 2010 - Continued

(2) Left turns from West Washington Avenue (Eastbound) onto North Serven Street are prohibited during the hours of 7 a.m. to 9 a.m. and 4 p.m. to 7 p.m.

Section 3. Effective date.

The provisions of this local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION NO. 732**ADOPT LL 7, 2010/POLICE REGULATION
VEHICLES & TRAFFIC/PROHIBIT
TRAFFIC TURNS**

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

RESOLVED, that the Town Board hereby adopted the proposed Local Law amending the Town Code, Chapter 39 entitled "Vehicles and Traffic", by adding a new §39.12.1, Prohibited Turns. This proposed Local Law will prohibit left turns from West Washington Avenue (Eastbound) onto North Magnolia and North Serven Street during the hours of 7 a.m. to 9 a.m. and from 4 p.m. to 7 p.m.

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

Noes: None

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RESOLUTION NO. 733**OPEN PH/PROPERTY MAINTENANCE
VIOLATION/61 WASHINGTON
SPRINGS RD/CANFIELD**

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

RESOLVED, that the 8:45 p.m. public hearing, pursuant to Chapter 24C-15, Property Maintenance Violation of the Town Code, to consider performing work at the property known as 61 Washington Springs Road, Palisades, NY (78.18-1-17) is hereby opened.

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

Noes: None

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John Giardiello, Director of OBZPAE, said certain things need to be done, such as, the stonewall, clean up debris, and board up the house, and a checklist will be created. The house was originally under construction. They started the renovation work, then apparently stopped and then started again and then let it go. The owners do not occupy the premises. An engineering plan was submitted to the Building Department. They have a building permit to reconstruct the wall but that has not been done. The Building Department will make up a scope of services, which will be sent out to three contractors.

Summary of Public Comments:

Janet Coombs, Palisades representing neighbors and herself, supports the Town to take action with cleaning-up this serious disrepair property. It is blight on the community, it devalues properties, and it threatens the health and welfare of the neighborhood.

Carol Baxter, Palisades, is in favor of the Town taking action. She said the condition of the building is terrible and boulders are falling into the road causing a health and safety issue.

Gale and Henry Shradly, Palisades, are in favor of action being taken. They said the unsightliness and dangerous condition is a disgrace affecting the entire community.

Gail Raffaele, Tappan, asked if the owner pays taxes and why it took five years to resolve a building violation. She supports the Town Board to take action.

RESOLUTION NO. 734**CLOSE PH/PROPERTY MAINTENANCE VIOLATION/61 WASHINGTON SPRINGS RD/CANFIELD**

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

RESOLVED, that the public portion is hereby closed.

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

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RESOLUTION NO. 735**LEAD AGENCY/PROPERTY MAINTENANCE VIOLATION/61 WASHINGTON SPRINGS RD/CANFIELD**

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

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

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

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RESOLUTION NO. 736**SEQRA DECLARATION/ PROPERTY MAINTENANCE VIOLATION/61 WASHINGTON SPRINGS RD/CANFIELD**

Councilman Diviny offered the following resolution, which was seconded by Councilwoman Low-Hogan 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. A copy is labeled Exhibit 12-E-10, and made a part of these minutes.

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

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RESOLUTION NO. 737**TB DECISION/ PROPERTY MAINTENANCE VIOLATION/61 WASHINGTON SPRINGS RD/CANFIELD**

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

RESOLVED, that upon the failure of the owner, tenant or occupant with Notice to correct property maintenance violations, the Town Board directs the Town of Orangetown, its designee or agent, or a private contractor to clean-up the property located at 61 Washington Springs, Road, Palisades, NY (78.18-1-17), with a lien to be placed on the property.

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

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RESOLUTION NO. 738**OPEN PH/DOG LICENSES/LOCAL LAW**

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

RESOLUTION NO. 738 – Continued

RESOLVED, that the 9:00 p.m. public hearing to consider a proposed Local Law amending the Town Code, Chapter 9 entitled “Dogs”, by repealing the current Chapter 9 and replacing with a new Chapter 9, in its entirety is hereby opened. This proposed Local Law will provide for licensing and identification of dogs and the control of the dog population.

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

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Teresa Accetta-Pugh, Deputy Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 12-F-10 and made a part of these minutes.

Teresa Kenny, First Deputy Town Attorney, explained that the State is no longer going to handle issuing dog licenses. The Town has to pass a local law, which gives them the authority to issue dog licenses and set the licensing fees.

Summary of Public Comments:

Gail Raffaele, Tappan, said the State may say we have to do it but we do not. Do not blame the State, just do not do it if you do not want to do it. What are they going to do to the Town? In her opinion, it is in the interest of her community that cats are included in this law.

RESOLUTION NO. 739**CLOSE PH/DOG LICENSES/LOCAL LAW**

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

RESOLVED, that the public portion is hereby closed.

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

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RESOLUTION NO. 740**LEAD AGENCY/DOG LICENSES/LL**

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

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

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

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RESOLUTION NO. 741**SEQRA DECLARATION/DOG LICENSES/LOCAL LAW**

Councilman Maturo 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. A copy is labeled Exhibit 12-G-10, and made a part of these minutes.

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

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LOCAL LAW NO. 8 OF 2010 AMENDING THE TOWN CODE OF THE TOWN OF ORANGETOWN, REPEALING CHAPTER 9, ENTITLED “DOGS”, AND ADDING A NEW CHAPTER 9.

§ 9-1. Purpose.

The Town Board of the Town of Orangetown finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to persons, damage to property and has created nuisances within the Town. The purpose of this local law is to protect the health, safety and well-being of persons and property by imposing restrictions on the keeping and running at large of dogs within the Town and to provide for the licensing and identification of dogs and the control of the dog population.

§ 9-2. Authority.

This local law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

§ 9-3. Definitions.

As used in this local law, the following words shall have the following respective meanings:

DOG – Male and female licensed and unlicensed members of the species *Canis familiaris*.

IDENTIFICATION TAG – a tag issued by the Town Clerk which sets forth the identification number, name of the Town and State, telephone number for the Town and any other information deemed necessary by the Town Clerk.

OWNER – Person entitled to claim lawful custody and possession of a dog and who is responsible for purchasing the license for such dog, unless the dog is or has been lost and such loss was promptly reported to the dog warden and a reasonable search has been made. If a dog is not licensed, the term “owner” shall designate and cover any person or persons, firm association or corporation who or which at any time owns or has custody or control of, harbors or is otherwise responsible for any dog which is kept, brought or comes within the town. Any person owning or harboring a dog for a period of one week prior to the filing of any complaints charging a violation of the local law shall be held and deemed to be the “owner” of such dog for the purpose of this local law. In the event that the “owner” of any dog found to be in violation of the local law shall be under 18 years of age, the head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of said dog and violation of this local law.

PERSON – Any individual, corporation, partnership, association or other organized group of persons or other legal entity.

RUN AT LARGE – To be in a public place or on private lands without the knowledge, consent and approval of the owner of such lands.

TOWN – The Town of Orangetown.

§ 9-4. Restrictions.

It shall be unlawful for any owner of any dog in the Town to permit or allow such dog to:

A. Run at large unless the dog is restrained by an adequate leash or unless it is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of this local law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.

B. Engage in habitual loud howling, barking, crying or whining or conduct itself in such a manner so as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.

Local Law 8, 2010 – Continued

C. Uproot, dig or otherwise damage any vegetables, lawns, flowers, garden beds or other property without the consent or approval of the owner thereof.

D. Chase, jump upon or at or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.

E. Attack any domestic animal.

F. Habitually chase, run alongside or bark at motor vehicles, motorcycles or bicycles while on a public street, highway or place upon private property without the consent or approval of the owner of such property.

G. Create a nuisance by defecating, urinating or digging on public property or on private property without the consent or approval of the owner of such property.

H. If a female dog, when in heat, be off the owner's premises unrestrained by a leash.

§ 9-5. Seizure of dogs; redemption periods; impoundment fees.

A. The Dog Warden, duly appointed Animal Control Officer, or any peace officer in the employ of, or under contract to, the Town shall seize any unlicensed dog, whether on or off the owner's premises; any dog not wearing an identification tag and, after January 1, 1980, not identified and which is not on the owner's premises; and any dog found in violation of § 9-4A of this local law. The owner of any dog impounded by Orangetown shall be entitled to redeem that dog within five (5) business days, excluding the day the dog is impounded, provided that the owner produces proof that the dog is licensed and identified and pays a fee of \$20.00 for the first impoundment; a fee of \$30.00 for the second impoundment and a fee of \$5.00 for each additional 24 hour period; a fee of \$40.00 for a third and each subsequent impoundment and a fee of \$5.00 for each additional 24 hour period. The dog warden, Animal Control Officer of peace officer may also investigate and report to a Town Justice of the Town any dangerous dog as described in Article 7 of the Agriculture and Markets Law and see that the order of the Town Justice in such case is carried out.

B. The Dog Warden, Animal Control Officer or peace officer observing a violation of this local law in his presence shall issue and serve an appearance ticket for such violation.

C. Any person who observes a dog in violation of this local law may file a complaint under oath with a Town Justice of the Town of Orangetown by specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of such dog. Such complaint may serve as the basis for enforcing the provisions of this local law.

§ 9-6. License fees.

A. All dogs within the Town of Orangetown four (4) months of age or older, unless otherwise exempted shall be licensed. The owner of each dog required to be licensed shall obtain, complete and return to the Town Clerk of Orangetown, a dog license application together with a non-refundable license fee, any applicable license surcharges and such additional fees as may be established by Resolution by the Town Board. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination shall not be required. Each license issued shall be valid for a period of one year and shall not be transferable.

B. The town of Orangetown authorizes the Hi-Tor Animal Care Center, Inc., or any entity which it contracts with for shelter services, to provide, accept and grant an application for a dog license made by a resident at the time of an adoption of a dog from the shelter provided that such application is made in accordance with § 9-6(a) of this law and the license fee, any additional fees and surcharges shall be remitted to the Town Clerk of Orangetown on or before the third day of the month following the month in which the license fee and additional fees and surcharges were received.

Local Law 8, 2010 - Continued

C. The annual fee for each dog license issued and any additional fees and surcharges shall be set by Resolution of the Town Board of the Town of Orangetown. The fee for an unsprayed or unneutered dog shall be at least \$5.00 more than the total fee for a spayed or neutered dog.

D. There shall be no fee for any license issued for any guide dog, hearing, service, therapy, war dog or police work dog. Each copy of any license for such dogs shall be conspicuously marked "Guide Dog", "Hearing Dog", "Service Dog", "Therapy Dog", "War Dog", or "Police Work Dog", as may be appropriate, by the clerk or authorized Dog Control Officer.

E. Any dog harbored in Orangetown which is owned by a resident of New York city or licensed by the City of New York, or which is owned by a non-resident of Orangetown and licensed by a jurisdiction outside the Town of Orangetown, shall, for a period of thirty (30) days, be exempt from the licensing and identification provisions of this local law.

F. The Town Clerk shall assign an identification number to a dog which it is licensed. Such identification number shall be carried by the dog on an identification tag which shall be affixed to the collar of the dog, except that the tag is not required to be worn while the dog is participating in a dog show.

§ 9-7. Penalties for Offenses.

Any person convicted of a violation of this local law shall be liable to a penalty not exceeding a fine of \$75 for a first violation and not exceeding a fine of \$150 for a second violation. For each violation subsequent to a second violation, the penalty shall be a fine not exceeding \$500 or imprisonment for a period not exceeding 15 days, or both such fine and imprisonment.

§ 9-8. Severability.

Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

§ 9-9. Repealer.

This local law specifically repeals Chapter 9 of the Code of the town of Orangetown entitled "Dogs".

RESOLUTION NO. 742**ADOPT LL 8, 2010/DOG LICENSES**

Councilman Maturo 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 the Town Code, Chapter 9 entitled "Dogs", by repealing the current Chapter 9 and replacing with a new Chapter 9, in its entirety is hereby opened. This proposed Local Law will provide for licensing and identification of dogs and the control of the dog population.

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

Noes: None

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RESOLUTION NO. 743**APPROVE DOG LICENSING FEES**

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

RESOLVED, that the following fees for Dog Licenses are hereby approved:

RESOLUTION NO. 743 - Continued

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|---------------------|---------|
| Neutered/Spayed | \$ 7.00 |
| Unneutered/Unspayed | \$15.00 |
| Late Fee | \$10.00 |

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

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RESOLUTION NO. 744 **OPEN PH/INCREASE SEWER BOND/\$600,000/SLUDGE TANKS**

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

RESOLVED, that the 9:15 p.m. public hearing to consider an increased cost, in the amount of \$600,000, of the increase and improvement of the facilities (sludge tanks) of the Orangetown Sewer District is hereby opened.

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

Teresa Accetta-Pugh, Deputy Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 12-H-10 and made a part of these minutes.

Summary of Public Comments:
 The public portion was opened and there was no public comments.

RESOLUTION NO. 745 **CLOSE PH/INCREASE SEWER BOND/\$600,000/SLUDGE TANKS**

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. 746 **LEAD AGENCY/INCREASE SEWER BOND/\$600,000/SLUDGE TANKS**

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

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

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

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RESOLUTION NO. 747 **SEQRA DECLARATION/INCREASE SEWER BOND/\$600,000/SLUDGE TANKS**

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

Resolution No. 747 - Continued

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, Low-Hogan, Maturo, Diviny
Supervisor Whalen
Noes: None

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RESOLUTION NO. 748**ADOPTED/INCREASE SEWER
BOND/\$600,000/SLUDGE TANKS**

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

RESOLVED, that the Bond Resolution, authorizing the issuance of an additional \$600,000 serial bonds of the Town of Orangetown, to pay a portion of the cost of the increase and improvement of the facilities of Orangetown Sewer District is hereby approved; a copy if labeled 12-J-10 and made a part of these minutes.

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

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RESOLUTION NO. 749**OPEN PH/LOCAL LAW/DIRECTOR
OF DEME QUALIFICATIONS**

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

RESOLVED, that the 9:30 p.m. public hearing to consider the qualifications for the Director of Environmental Management & Engineering is hereby opened.

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

Teresa Accetta-Pugh, Deputy Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 12-K-10 and made a part of these minutes.

John Edwards, Town Attorney, explained that this is a proposed local law which changes a couple of sections in the Town Code, Chapter 8A. The principle change is in respect to the qualifications found at Section 8A-6, but in the process, there were just a couple of minor changes. Number 1; change in the name of the chapter. Instead of the Department of Public Works, in fact, the chapter refers to the three public works department, so we will make that nominal change and as I said the principle change will be with respect to the qualifications. It will include a new subdivision, adopted by Municipal Home Rule, opening the position up to non New York State residents and certain sequential numbering. The proposed local law, in my judgment, actually increases the qualifications. It does not minimize or demission those qualifications. It changes the present requirement that the person holding the position be a licensed professional engineer, that continues to be a qualification but there is an alternative, holding an advanced degree in engineering. When the Board looked to fill the slot that was vacated by Mr. Delo, it quickly, and correct me if I am overstepping my bounds, but it quickly realized that the position needed to be filled by someone with management skills as important as his engineering background and skills. In fact, given the nature of the position, the qualifications for a professional engineer's license is not to minimize the value of that license but given the Town's experience in the past, the belief was that it was an imagined skill that required a capable manager, well schooled in engineering, and so what the proposed local law does is it provides for an alternative to a professional engineer's license, which is an advanced degree in engineering. It strengthens the requirements of the existing section, in so far as management qualifications are concerned. For whatever reason, the existing section requires 5-years experience in

governmental service. The proposed local law increases that to 10 years of Administration and Management, either in the private sector or Town, County or State government, involving the supervision of 20 or more persons. That is an increase in the qualifications and it does not reduce those qualifications. As well in an effort to secure the best possible person to fit the job, the Board looked outside of New York State. The New York State residency requirement is one that can be superseded by Municipal Home Rule. So there is a new proposed section that would allow a person outside of New York State to be appointed. That is essentially what the proposed change does.

Summary of Public Comments:

Habib Hasan, Pearl River, respects the Municipal Home Rule concept but is concerned Municipal Home Rule concept supersedes the Constitution of the United States.

John Edwards, Town Attorney, said the residency requirement is a matter of State statute and not Constitutional law. It no longer deems to be a general statute because it has been superseded by special State legislature, and has a consequence that the Town Board can choose to supersede that requirement.

Gail Raffaele, Tappan, asked if this position is subject to Civil Service Examination and is the same salary schedule attached to this position even though a license is not required. She is not sure if she is in favor of this change because testing for a license is a valuable tool.

John Edwards, Town Attorney, said there are County requirements and then there are local options, that over the years have been introduced by Orangetown for this position. Scott meets the County requirements and the PE license is a local requirement, which other municipalities have abandoned.

Guy De Vincenzo, Clerk of the Works, spoke in favor of the appointment of Scott Burton.

RESOLUTION NO. 750

**CLOSE PH/LOCAL LAW/DIRECTOR OF
DEME QUALIFICATIONS**

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

RESOLVED, that the public portion is hereby closed.

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

* * *

RESOLUTION NO. 751

**LEAD AGENCY/LOCAL LAW/DIRECTOR
OF DEME QUALIFICATIONS**

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

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

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

* * *

RESOLUTION NO. 752

**SEQRA DECLARATION/LOCAL
LAW/DIRECTOR OF DEME
QUALIFICATIONS**

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

Resolution No. 752 - Continued

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. A copy is labeled Exhibit 12-L-10, and made a part of these minutes.

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

Local Law No. 9, 2010, Relating to Article 8-A of the Town Code, Entitled "Department of Public Works"

Be it enacted, by the Town Board of the Town of Orangetown as follows:

Section 1: Article 8-A of the Orangetown Town Code shall be re-named "Public Works Departments"

Section 2: Section 8A-6 of the Orangetown Town Code, entitled "Director of Environmental Management and Engineering" shall be amended to change the Town qualifications for appointment to the position of Director, and, as amended shall read:

§ 8A-6. Director of Department of Environmental Management and Engineering.

The administrative head of the Department of the Environmental Management and Engineering shall be the Director of the Environmental Management and Engineering Department, hereinafter referred to as the "Director". The Director, who shall be appointed by the Town Board of the Town of Orangetown, shall be a graduate of an approved college or university with a degree in engineering. He shall be a licensed professional engineer of the State of New York or shall have an advanced degree in engineering or a relevant engineering sub-specialty. He shall have at least ten years' experience in an administrative/management capacity in either the private sector or in town, county or state government operations, which includes the direct supervision of twenty or more employees.

Section 3: Sections 8A-7 through 8A-12 of the Orangetown Town Code shall be re-numbered 8A-8 through 8A-13, and a new § 8A-7 shall be added which shall read as follows:

§ 8A-7. Residency Requirements for the Director of the Environmental Management and Engineering Department.

The person holding the office of Director of the Environmental Management and Engineering Department need not be a resident or an elector of the Town of Orangetown or of the State of New York.

Section 4: Legislative Authority. This local law is adopted pursuant to the provisions of § 10(1)(ii)(a)(1) of the Municipal Home Rule Law of the State of New York, which grants to local governments the authority to enact local laws regarding the qualifications of local officers which are not inconsistent with general state statutes. Furthermore, this local law recognizes that the State Legislature has amended § 3 of the Public Officers Law of the State of New York and § 23 of the Town Law by adding new subdivisions, including, among others, subdivisions expressly exempting the appointed position of town engineer from the required residency requirements thereof. Such amendments by the State Legislature have rendered § 3 of the Public Officers Law and § 23 of the Town Law special, rather than general, laws with respect to residency of appointive Town engineers, in that the establishment of residency requirements applicable to such appointive Town officer, in terms and in effect, do apply alike to all towns of the state.

Section 5: Supersession. This local law shall supersede § 3 of the Public Officers Law of the State of New York and § 23, Subdivision 1, of the Town Law of the State of New

Local Law 9, 2010 - Continued

York, insofar as such sections apply to the position of Town Engineer or Director of the Department of the Environmental Management and Engineering for the Town of Orangetown.

Section 6. Severability. If any part or provision of this local law, or the application thereof to any person or circumstance, is adjudged invalid or unconstitutional by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law, or the application thereof to other persons or circumstances. The Town Board hereby declares that it would have enacted the remainder of this local law even without any such invalid or unconstitutional part, provision or application.

RESOLUTION NO. 753**ADOPT LL 9, 2010/DIRECTOR OF DEME QUALIFICATIONS**

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

RESOLVED, that the Town Board hereby adopted the proposed Local Law amending Chapter 8A of the Town Code, qualifications for the Director of DEME.

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

* * *

RESOLUTION NO. 754**2011 RE-ORGANIZATIONAL MEETING
JANUARY 4, 2011**

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

RESOLVED, that 2011 Re-Organizational Meeting is scheduled for January 4, 2011, at 7:30 p.m.

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

* * *

RESOLUTION NO. 755**BLAUVELT VOLUNTEER FIRE
COMPANY/APPOINT FIREFIGHTERS
ROBERT M. BRANDON/DANIEL FORD**

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

RESOLVED that Robert M. Brandon and Daniel Ford are hereby appointed to the position of volunteer firefighter, with the Blauvelt Volunteer Fire Company, and have them come to the Town Clerk, to take the Oath of Office, within 30 days.

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

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RESOLUTION NO. 756**ACCEPT MINUTES**

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

Resolution No. 756 - Continued

RESOLVED, that the November 9, 2010 and November 23, 2010 Regular Town Board Meeting, Audit Meeting and Executive Session minutes are hereby accepted.

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

* * *

RESOLUTION NO. 757**SOUTH ORANGETOWN SCHOOLS
BUILDINGS & FIELDS AGREEMENT
RECEIVED/FILED**

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

RESOLVED, that the Inter-Municipal Agreement with South Orangetown Central School District for use of certain buildings and fields is received and filed in the Town Clerk's Office.

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

* * *

RESOLUTION NO. 758**TROOP WOODS SUBDIVISION/HEGARTY
HOMES, INC/MURPHY COURT/RECEIVED
AND FILED**

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

RESOLVED, that the following original documents regarding Troop Woods Subdivision, Murphy Court, Blauvelt are received and filed in the Town Clerk's Office:

1. Declaration of Utility Easements for Sewer & Drainage (RC Inst. 2010-1882).
2. Deed for Sanitary Sewer Pump Station (RC Inst. 2010-1887).
3. Declaration Amending Ease. For Ingress, Egress/Utilities (RC Inst. 2010-1889).
4. Deed for Murphy Court (RC Inst. 2010-1892).
5. Deed for Lot West of Lot #11 (RC Inst. 2010-1931).
6. Deed for Detention Basin (RC Inst. 2010-1932).
7. Title Insurance Policy - Chicago Title 7230632-77326752 (McCall 2005 104261).

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

* * *

RESOLUTION NO. 759**LEE VANDERVELDE TRUST/EASEMENT
AGREEMENT/217 RIVER ROAD
GRANDVIEW/RECEIVED AND FILED**

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

RESOLVED, that the Easement Agreement for the Lee Vandervelde Trust, 217 River Road, Grandview, NY is received and filed in the Town Clerk's Office

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

* * *

RESOLUTION NO. 760**WWTPCIP/PS-06-4-4 TIER II & III PUMPING STATIONS/CHANGE ORDER/M.A.W. CHARGE 1 & 2 VALENTINE ELECTICE/RECEIVED AND FILED**

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

RESOLVED, that the Change Order, M.A.W. Charge 1 & 2, for Tier II/III Pumping Stations (PS-06-4E) with Valentine Electric is received and filed in the Town Clerk's Office.

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

* * *

RESOLUTION NO. 761**APROVE MEMORANDUM OF UNDERSTANDING/NY SHARKS**

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

RESOLVED, that the Memorandum of Understanding between the Town of Orangetown and New York Sharks Aquatics for the year 2011, in the amount of \$14,463.75, is hereby approved and the Supervisor is hereby authorized to execute such Memorandum of Understanding.

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

* * *

RESOLUTION NO. 762**ADOPT ROCKLAND COUNTY MULTI JURISDICTIONAL HAZARD MITIGATION PLAN**

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

WHEREAS, the Disaster Mitigation Act of 2000 (Public Law 106-390) provides an opportunity for States, Tribes, and local governments to take a new and revitalized approach to mitigation planning; and

WHEREAS, the Disaster Mitigation Act amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act by repealing the previous Mitigation Planning section and emphasizing the need for State, Tribal, and local entities to closely coordinate mitigation planning and implementation efforts; and

WHEREAS, the Town of Orangetown, in partnership with the County of Rockland and with the assistance of U.R.S. Corporation, has gathered information and prepared the Rockland County Multi-Jurisdictional Hazard Mitigation Plan (the "Plan"); and

WHEREAS, the Plan has been prepared in accordance with the Disaster Mitigation Act; and

WHEREAS, the Plan identifies hazards that threaten the County and ways to reduce future damages associated with these hazards; and

WHEREAS, a copy of the Plan is posted at <http://www.co.rockland.ny.us/Fire/HazardMitigation/Multi-JurisdictionalNaturalHazMitPlan.pdf> for public review; and

WHEREAS, a hard copy of the Plan is maintained at the Town Attorney's Office for public review; and

Resolution No. 762 - Continued

WHEREAS, the Town of Orangetown Highway Department, Police Department, Finance Department, Department of Parks, Recreation and Buildings, Flood Plain Manager, Department of Environmental Engineering Management and Engineering, and the Town Attorney's Office have reviewed the Plan and recommend adoption of the Plan; and

NOW THEREFORE, BE IT RESOLVED that the Town of Orangetown adopts the Rockland County Multi-Jurisdictional Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

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

* * *

RESOLUTION NO. 763**AUTHORIZE SETTLEMENT OF
SEWER BACK-UP/TRACEY/STATE
FARM**

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

WHEREAS, Francis Tracey and Catherine Tracey have properly filed a notice of claim against the Town of Orangetown, alleging liability for damages sustained on or about April 26, 2010, at their home at 34 Dutch Hollow Drive, Orangeburg, New York as a result of a sewer backup;

WHEREAS, the Traceys' damage was covered by their insurance policy with State Farm up to the policy limit of \$10,000.00;

WHEREAS, State Farm paid the Traceys for their damages up to the policy limit;

WHEREAS, State Farm properly filed a notice of subrogation claim against Orangetown;

WHEREAS, the Town Attorney's Office has conducted a hearing under General Municipal Law section 50-h to determine liability and assess damages;

WHEREAS, the Traceys have established damages in excess of \$23,000.00;

WHEREAS, after negotiations between the Town, the Traceys and State Farm, the Traceys have agreed to compromise and settle their claim for the amount of \$11,515.27, and State Farm has agreed to settle its subrogation claim for the amount of \$10,000.00;

WHEREAS, the Town, without admitting liability for the damages alleged, nevertheless, recognizes both the litigation costs and risks associated with the litigation of these particular claims;

WHEREAS, the Town of Orangetown Attorney's Office recommends the settlement of this claim for the amounts proposed;

NOW, THEREFORE, BE IT RESOLVED, that the Town Attorney's Office is hereby authorized to compromise and settle the Tracey claim in the amount of \$11,515.27 and the State Farm Claim in the amount of \$10,000.00, and to execute any documents as may be necessary to effect such result.

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

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RESOLUTION NO. 764**AUTHORIZE SETTLEMENT OF
SEWER BACK-UP/KELLY**

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

WHEREAS, Brian E. Kelly and Maryann Kelly have properly filed a notice of claim against the Town of Orangetown, alleging liability for damages sustained on or about April 26, 2010, at their home at 23 Carlton Road, Orangeburg, New York as a result of a sewer backup;

WHEREAS, the Kellys have claimed damages in excess of \$68,000.00;

WHEREAS, the Town Attorney's Office has conducted a hearing under General Municipal Law section 50-h to determine liability and assess damages;

WHEREAS, the Kellys have agreed to compromise and settle their claim for the amount of \$43,000.00;

WHEREAS, the Town, without admitting liability for the damages alleged, nevertheless, recognizes both the litigation costs and risks associated with the litigation of this particular claim;

WHEREAS, the Town of Orangetown Attorney's Office recommends the settlement of this claim for the amount proposed;

NOW, THEREFORE, BE IT RESOLVED, that the Town Attorney's Office is hereby authorized to compromise and settle the Kelly claim in the amount of \$43,000.00, and to execute any documents as may be necessary to effect such result.

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

Noes: None

* * *

RESOLUTION NO. 765**APPOINT/DEME LABORER
POSITION/JAMES LINEKIN**

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

RESOLVED, that James Linekin is hereby appointed to the open laborer position at the DEME, effective January 3, 2011. The position is a grade 9 with a starting salary of \$47,196.

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

Noes: None

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RESOLUTION NO. 766**PERMISSION GRANTED ATTEND
CONFERENCE HOSTAGE NEGOTIATIONS**

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

RESOLVED, that permission is hereby granted for Sgt. James Sullivan and PO Dennis Buckley to attend seminar named: Baltimore County 32nd Annual Hostage Negotiations Seminar in Hunt Valley, MD February 7-9, 2011 for a cost of \$1,044.12 from Acct. No. B3120 441 16.

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

Noes: None

* * *

RESOLUTION NO. 767**APPROVE 2010 BUDGET TRANSFERS**

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

RESOLVED, that the following 2010 operating budget transfers are hereby approved:

| # | Fund / Dept. | Account | Current Budget | Change | Revised Budget | Comments |
|----|--|---------------|----------------|-------------|----------------|----------------------|
| | General Fund | | | | | |
| | Receiver of Taxes | | | | | |
| 1 | Time and One Half | A.1330.012 | \$ 1,000 | \$ 450 | \$ 1,450 | |
| 2 | Seasonal | A.1330.013 | \$ 20,000 | \$ 4,300 | \$ 24,300 | |
| 3 | Contracts | A.1330.457 | \$ 11,500 | \$ 13,000 | \$ 24,500 | |
| | Engineer | | | | | |
| 4 | Double Time | A.1440.020 | \$ 900 | \$ 1,400 | \$ 2,300 | |
| 5 | Seasonal | A.1440.013 | \$ - | \$ 3,700 | \$ 3,700 | |
| | Substance Abuse | | | | | |
| 6 | Contracts | A.4211.457 | \$ 50,800 | \$ 12,400 | \$ 63,200 | CANDLE Pearl River |
| | Sidewalks | | | | | |
| 7 | Contracts | A.5410.457 | \$ 150,000 | \$ 11,000 | \$ 161,000 | |
| | Orangetown Housing | | | | | |
| 8 | Contracts | A.8989.457.63 | \$ 40,000 | \$ 5,000 | \$ 45,000 | |
| | Unemployment | | | | | |
| 9 | Fringe benefits | A.9050.800 | \$ 2,000 | \$ 11,000 | \$ 13,000 | |
| | Shared Services | | | | | |
| 10 | Contracts | A.1622.457 | \$ 20,000 | \$ 20,000 | \$ 40,000 | GASB45 Costs others |
| | Traffic Control | | | | | |
| 11 | Contracts | A.3310.457 | \$ 10,000 | \$ 15,200 | \$ 25,200 | |
| | Town Attorney | | | | | |
| 12 | Contracts | A.1420.457 | \$ 145,000 | \$ (97,450) | \$ 47,550 | Outside counsel |
| | Net | | | | | |
| | | | | \$ - | | |
| | Building Maintenance | | | | | |
| 13 | Capital Outlay | A.1620.200 | \$ - | \$ 24,000 | \$ 24,000 | Chiller replacement |
| 14 | Building Repair | A.1620.453 | \$ 65,000 | \$ (24,000) | \$ 41,000 | |
| | Net | | | | | |
| | | | | \$ - | | |
| | Central Data | | | | | |
| 15 | Contracts | A.1682.457 | \$ 122,000 | \$ 64,000 | \$ 186,000 | |
| 16 | Capital Outlay | A.1682.200 | \$ 100,000 | \$ (44,000) | \$ 56,000 | |
| 17 | Perm Staff | A.1682.011 | \$ 106,617 | \$ (20,000) | \$ 86,617 | |
| | Net | | | | | |
| | | | | \$ - | | |
| | Supt. of Highways | | | | | |
| 19 | Seasonal | A.5010.013 | \$ - | \$ 1,300 | \$ 1,300 | |
| 20 | Contracts | A.5010.457 | \$ 20,000 | \$ (1,300) | \$ 18,700 | |
| | Net | | | | | |
| | | | | \$ - | | |
| | Parks (Various) | | | | | |
| 21 | Perm Staff | A.7020.011 | \$ 392,813 | \$ 10,000 | \$ 402,813 | |
| 22 | Perm Staff | A.7110.011 | \$ 513,521 | \$ (35,000) | \$ 478,521 | |
| 23 | Utilities | A.7110.455 | \$ 74,800 | \$ (20,000) | \$ 54,800 | |
| 24 | Water | A.7110.473 | \$ 15,200 | \$ (9,000) | \$ 6,200 | |
| 25 | Seasonal | A.7310.013 | \$ 332,000 | \$ 7,000 | \$ 339,000 | |
| 26 | Contractual | A.7310.457 | \$ 303,000 | \$ 47,000 | \$ 350,000 | |
| | Net | | | | | |
| | | | | \$ - | | |
| | Museum | | | | | |
| 27 | Seasonal | A.7520.013 | \$ 8,000 | \$ 4,700 | \$ 12,700 | Finish project |
| 28 | Utilities | A.7520.455 | \$ 12,500 | \$ (4,700) | \$ 7,800 | |
| | Net | | | | | |
| | | | | | | |
| | Town Oustside Village Fund - Police | | | | | |
| | Police Life Insur | | | | | |
| 29 | Fringe Benefits | B.9050.800.16 | \$ 65,000 | \$ 7,000 | \$ 72,000 | Bad estimate |
| | Social Security | | | | | |
| 30 | Fringe Benefits | B.9030.800.16 | \$ 870,000 | \$ (7,000) | \$ 863,000 | Vacant position |
| | Net | | | | | |
| | | | | \$ - | | |
| | Town Oustside Village Fund - Other | | | | | |
| | Street Lighting | | | | | |
| 31 | Utilities | B.5182.455.17 | \$ 455,000 | \$ 45,000 | \$ 500,000 | |
| | Mobility Tax (MTA) | | | | | |
| 32 | Contracts | B.1980.457.17 | \$ 5,000 | \$ 5,000 | \$ 10,000 | Incorrect allocation |
| | Unemployment | | | | | |
| 33 | Fringes | B.9050.800.17 | \$ 2,500 | \$ 5,000 | \$ 7,500 | |

| | | | | | | |
|----------------------------------|-------------------|---------------|--------------|--------------|--------------|---|
| Refuse | | | | | | |
| 34 | Perm Staff | B.8160.011.17 | \$ 64,603 | \$ 10,000 | \$ 74,603 | Mid-yr upgrade & other |
| 35 | Office Supplies | B.8160.441.17 | \$ 1,000 | \$ 7,000 | \$ 8,000 | |
| Safety Inspection | | | | | | |
| 36 | Perm Staff | B.3620.011.17 | \$ 798,333 | \$ (72,000) | \$ 726,333 | Vacant positions |
| | Net | | | \$ - | | |
| Sewer Fund Administration | | | | | | |
| 37 | Contracts | G.8110.457 | \$ 8,000 | \$ 11,000 | \$ 19,000 | |
| Collection | | | | | | |
| 38 | Perm Staff | G.8120.011 | \$ 1,029,406 | \$ (310,000) | \$ 719,406 | Budget vs payroll |
| 39 | Capital Outlay | G.8120.200 | \$ - | \$ 10,000 | \$ 10,000 | |
| 40 | Vehicle Repair | G.8120.447 | \$ 70,000 | \$ 20,000 | \$ 90,000 | |
| 41 | Utilities | G.8120.455 | \$ 450,000 | \$ 40,000 | \$ 490,000 | Pre-utility contract |
| Pretreatment | | | | | | |
| 42 | Time and one half | G.8121.012 | \$ 500 | \$ 3,000 | \$ 3,500 | Chemist |
| 43 | Double time | G.8121.020 | \$ 500 | \$ 1,000 | \$ 1,500 | |
| 44 | Miscellaneous | G.8121.475 | \$ 2,000 | \$ 7,000 | \$ 9,000 | |
| Plant | | | | | | |
| 45 | Perm Staff | G.8130.011 | \$ 1,165,751 | \$ 310,000 | \$ 1,475,751 | Budget vs payroll |
| 46 | Double Time | G.8130.020 | \$ 85,000 | \$ 60,000 | \$ 145,000 | Plant ops,emergencies |
| 47 | Utilities | G.8130.455 | \$ 328,000 | \$ 30,000 | \$ 358,000 | Pre-utility contract |
| 48 | Contracts | G.8130.457 | \$ 76,000 | \$ 65,000 | \$ 141,000 | |
| 49 | Water | G.8130.475 | \$ 16,000 | \$ 50,000 | \$ 66,000 | United Water vs well |
| Hospitalization | | | | | | |
| 50 | Fringe Benefits | G.9060.800 | \$ 730,000 | \$ (50,000) | \$ 680,000 | Vacant Positions |
| Retirement | | | | | | |
| 51 | Fringe Benefits | G.9010.800 | \$ 356,000 | \$ (30,000) | \$ 326,000 | |
| Capital | | | | | | |
| 52 | Maint Agreements | G.8197.443 | \$ 456,095 | \$ (35,000) | \$ 421,095 | |
| 53 | Equipment Repairs | G.8197.452 | \$ 334,173 | \$ (140,000) | \$ 194,173 | |
| 54 | Sewer Repairs | G.8197.454 | \$ 50,000 | \$ (42,000) | \$ 8,000 | |
| | Net | | | \$ - | | |
| Highway Part Town | | | | | | |
| 55 | Resurfacing Mat. | D.5110.479.04 | \$ 450,000 | \$ 116,000 | \$ 566,000 | Repair work -utilities |
| 56 | CHIPS | D.5112.457.04 | \$ 231,017 | \$ (43,322) | \$ 187,695 | |
| 57 | Fund Balance Rev. | D.3599.000.04 | \$ - | \$ (51,508) | \$ (51,508) | 2009 Receipts O&R 2010 Receipts United Water |
| 58 | Unclassified Rev. | D.2770.000.04 | \$ - | \$ (21,170) | \$ (21,170) | |
| | Net | | | \$ - | | |
| 59 | Hospitalization | D.9060.800.04 | \$ 450,000 | \$ 11,000 | \$ 461,000 | |
| 60 | Dental | D.9061.800.04 | \$ 38,000 | \$ 2,000 | \$ 40,000 | |
| 61 | Retirement | D.9010.800.04 | \$ 240,000 | \$ (13,000) | \$ 227,000 | |
| | Net | | | \$ - | | |
| Highway Town Wide | | | | | | |
| 62 | Unemployment | D.9050.800.05 | \$ 7,000 | \$ 13,000 | \$ 20,000 | |
| 63 | Hospitalization | D.9060.800.05 | \$ 395,000 | \$ 32,000 | \$ 427,000 | |
| 64 | Dental | D.9061.800.05 | \$ 34,000 | \$ 3,000 | \$ 37,000 | |
| 65 | Retirement | D.9010.800.05 | \$ 230,000 | \$ (17,000) | \$ 213,000 | |
| 66 | Snow Chemicals | D.5142.499.05 | \$ 395,896 | \$ (31,000) | \$ 364,896 | |
| | Net | | | \$ - | | |
| Broadacres Golf Course | | | | | | |
| 67 | Time & One Half | ER.7251.012 | \$ 14,200 | \$ 1,000 | \$ 15,200 | |
| 68 | Seasonal | ER.7251.013 | \$ 110,000 | \$ 5,000 | \$ 115,000 | |
| 69 | Chemicals | ER.7251.449 | \$ 40,200 | \$ (6,000) | \$ 34,200 | |
| | Net | | | \$ - | | |

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

Noes: None

* * *

RESOLUTION NO. 768**APPROVE WAIVER OF BUILDING FEES/ST. MARGARET'S**

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

RESOLVED, that the building fees, in the approximate amount of \$11,000, for St. Margaret's Church are hereby waived.

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

* * *

RESOLUTION NO. 769**APPROVE/BUILDING FEE WAIVER/DOMINICAN CONVENT**

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

RESOLVED, that the building fees, in the approximate amount of \$2,853, associated with a generator for Dominican Convent are hereby waived and refunded.

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

* * *

RESOLUTION NO. 770**CDBG GRANTS APPLICATIONS**

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

RESOLVED, that CDBG Grants Applications will be available next week. All applicants must submit a letter of intent no later than December 20th.

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

* * *

RESOLUTION NO. 771**BATTING CAGES/CONCESSION STAND
REDUCE RENT/VETERANS PARK
BATTING AND FOOD CORP.**

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

RESOLVED, that the rent for Veterans Park Batting and Food Corp., in the amount from \$20,000 to \$3,333.32 for the batting cages and from \$6,000 to \$1,000.00 for the concession for the 2010 season is hereby reduced.

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

* * *

RESOLUTION NO. 772**RESCIND RESOLUTION NOS. 690 AND 663
APPOINTMENT DEME LABORER
ROBERT GERARD/JOHN ROBINSON**

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

Resolution No. 772 - Continued

RESOLVED, that Resolution Nos. 690 and 663, appointing Robert Gerard and John Robinson, to the position of laborer, in the Department of Environmental Management and Engineering, are hereby rescinded.

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

* * *

RESOLUTION NO. 773**AWARD BID/WWTPCIP/SLUDGE
HANDLING FACILITY MODIFICATIONS
WWTP-10-01 THRU WWTP-10-04**

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

WHEREAS, the Director of Environmental Management & Engineering duly advertised for sealed bids for Orangetown Wastewater Treatment Plant Sludge Handling Facility Modifications, which were received and publicly opened on November 18, 2010. The Director made this recommendation to the Town Board; a copy is labeled 12-M-10 and made a part of these minutes.

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

| | |
|--|----------------|
| Contract No. WWTP-10-01, General, Spectraserv | \$1,078,250.00 |
| Contract No. WWTP-10-02, Electrical, Pantel Electric | \$ 227,000.00 |
| Contract No. WWTP-10-03, Plumbing, Hauser Brothers | \$ 234,224.00 |
| Contract No. WWTP-10-04, HVAC, Hauser Brothers | \$ 111,219.00 |

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

* * *

RESOLUTION NO. 774**AUTHORIZE AGREEMENT/2010 YOUTH
POLICE INITIATIVE/COMPENSATION**

Under new business, Councilman Troy 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 Chief of Police, the Town Supervisor is hereby authorized to sign the Agreement with the County of Rockland to receive, from the County of Rockland, as outlined in the 2010 YOUTH-POLICE INITIATIVE, the sum of TWELVE THOUSAND FOUR HUNDRED FOUR and 65/100 (\$12,404.65) DOLLARS as reimbursement for the compensation for Police Officers assigned to the Youth-Police Initiative Program.

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

* * *

RESOLUTION NO. 775**APPOINT/PT POLICE MATRON
BAILEY/MCCARTHY/KERN**

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

Resolution No. 775 - Continued

RESOLVED, that Marie K. Bailey, Kathleen McCarthy and Christine Kern are hereby appointed to the position of Police Matron, part time, in the Police Department at the hourly wage of \$25.00 per hour, effective December 15, 2010.

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

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RESOLUTION NO. 776**AMEND RESOLUTION NO. 688
VERIZON WIRELESS GENERATOR**

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

RESOLVED, that Resolution No. 688 is hereby amended to read as follows:

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 \$2,400 a month, with 3% annual increase thereafter, is hereby approved and Supervisor Whalen is authorized to sign said Amendment.

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

* * *

RESOLUTION NO. 777**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 10:00 p.m.

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

* * *

RESOLUTION NO. 778**PAY VOUCHERS**

Supervisor Whalen 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, Special District and Parking Funds for a total amount of \$5,117,726.88.

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

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RESOLUTION NO. 779**ENTER EXECUTIVE SESSION**

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

Resolution No. 779 - Continued

RESOLVED, that the Town Board entered Executive Session at 10:03 p.m.

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

Resolution Nos. 780 and 781 see Executive Session.

RESOLUTION NO. 782

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 Edward J. Gaffney, Orangeburg; Ruth Young, Pearl River; Arthur Becker, Blauvelt; Frances Spadaccini, Orangeburg; and Thomas Adams, Sparkill, at 10:04 p.m.

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

Teresa Accetta-Pugh, Deputy Town Clerk