

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, DECEMBER 13, 2011**

This Town Board Meeting was opened at 7:35 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
Absent: 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
Joseph Moran, Commissioner of DEME
Robert Simon, Receiver of Taxes
John Giardiello, Director of OBZPAE,
Aric Gorton, Superintendent of Parks-Rec & Building Maint.

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

James Dean, Superintendent of Highways, said the 2012 Drop-Off Center hours will be 3-days a week and alternating Saturdays. The schedule is available on the Town's website and posted at the center site.

The Town Board presented Esta Baitler, Consumer Advocate for Camp Venture, with a proclamation declaring December 13, 2011 Esta Baitler Day.

Supervisor Whalen addressed Supervisor-Elect Andy Stewart about the new position, Deputy Commissioner of DEME. He said this position was originally discussed when Mr. Burton was the Commissioner and then with Mr. Moran. There are some inadequacies in the training of the DEME employees and the department has been destroyed by management issues over the past 10 years. Someone needs to be the eyes and ears for the Commissioner because the department is open 24-hours a day, 7-days a week. He said Mr. DeVincenzo has been trained on the new equipment and has worked with the contractors, who installed the equipment.

Summary of Public Comments:

Eileen Larkin, Palisades, is against the new position of Deputy Commissioner of DEME and the Clerk of Works position should be abolished.

Mike Mandel, Pearl River, opposes the new position. He requested a commitment from the Board that this will not be added as new business or included in a Special Town Board Meeting. A hiring freeze should be in place and the Town must reduce spending.

Carol Silverstein, Orangeburg, said the most corrupt form of government is on the local level. She does not believe that a Deputy Commissioner is necessary and all employees should contribute to their medical.

Rose Marie Raccioppi, Orangetown Poet Laureate, read her poem "Orangetown Rich in History".

Genevieve Coffey, Pearl River, was surprised the Town Board cut the budget. She is against a Deputy Commissioner for DEME, the use of the expertise of existing employees should be utilized. Gail Raffaele, Tappan, spoke about the outstanding work of the Highway Dept. She asked about the racing vehicles parked at the Sewer Dept. She agrees with all the people who oppose the Deputy Commissioner for DEME.

Supervisor Elect Andy Stewart, thanked the Board in moving the meeting calendar back to Mondays. He believes this will alleviate conflicts with the County and school boards. He is very proud to be Supervisor Elect and commended Supervisor Whalen for his dedication to Town government.

Allen Ryff, Tappan, was pleased that the Deputy Commissioner of DEME was taken off the agenda. He thanked Supervisor Whalen and Councilpersons Low-Hogan and Maturo for their services.

Henry Rand, Nyack, said it was painful to see that the Board wanted to create a new position at the end of the year. He is against the Deputy Commissioner of DEME position.

Beth Riso, Nyack, agrees with everyone else who is against establishing a new position. She thanked all the Board members who voted not override the tax cap.

Lou Maturo, Tappan, thanked the Town Board members, especially his brother, for all their dedication and hard work.

RESOLUTION NO. 653**CLOSE PUBLIC COMMENTS**

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

RESOLVED, that the public portion is hereby closed.

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

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Councilwoman Low-Hogan spoke about how the Town of Orangetown is so wonderful. She thanked the Town Board, the previous Town Board, all of the Department Heads and employees. She is happy that she will be representing Orangetown in the County Legislature.

Councilman Maturo thanked the people of Orangetown for the opportunity to serve the community, to work with the Town's Department Heads and employees, and to be able to agree and disagree on any issue. He said he was fortunate that he had great elected officials to work with and serving the Town of Orangetown has been a great experience.

Supervisor Whalen is very grateful to have been the Supervisor of the Town of Orangetown for the past two years. It has been a privilege and honor to serve with the other Board members. We all come together and air our differences and at the end of the day we find common ground and look for the solution, which is what democracy is all about. He thanked Ann Marie Hahr, his Executive Assistant, his family, all of the Departments heads and employees, and the public.

All of the Town Board members wished everyone Merry Christmas and Happy Holidays.

RESOLUTION NO. 654**OPEN PH/LL ROAD EXCAVATIONS
DRIVEWAYS/HEAVY HAULING
ROAD OPENING/RELATED FEES**

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

RESOLVED, that the 8:00 p.m. public hearing to amend the Town Code, Chapter 27, entitled "Road Excavations, Driveways and Heavy Hauling" to establish and amend road opening and related fees by Resolution of the Town Board is hereby opened.

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

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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-A-11 and made a part of these minutes.

John Edwards, Town Attorney, explained this local law will move the permit fees out of the Town Code and into a resolution. The fees will be set and approved by a resolution.

The public portion was opened and there were no public comments.

RESOLUTION NO. 655

**CLOSE PH/LL ROAD EXCAVATIONS
DRIVEWAYS/HEAVY HAULING
ROAD OPENING/RELATED FEES**

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

RESOLVED, that the public portion is hereby closed.

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

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RESOLUTION NO. 656

**LEAD AGENCY/LL ROAD EXCAVATIONS
DRIVEWAYS/HEAVY HAULING/ROAD
OPENING/RELATED FEES**

Councilman Maturo 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 Maturo, Low-Hogan, Troy
Supervisor Whalen
Noes: None
Absent: Councilperson Diviny

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RESOLUTION NO. 657

**SEQRA DECLARATION/LL ROAD
EXCAVATIONS DRIVEWAYS/HEAVY
HAULING/ROAD OPENING
RELATED FEES**

Councilman Maturo offered the following resolution, which was seconded by Councilman Troy 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 Maturo, Troy, Low-Hogan
Supervisor Whalen
Noes: None
Absent: Councilperson Diviny

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**LOCAL LAW NO. 8, 2011
Amending Chapter 27, Relating to the Establishment
Of Fees for Road Excavations, Driveways and Heavy Hauling**

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

Section 1: Chapter 27, article I §§ 27-2(B) and 27-16 of the Code of the Town of Orangetown shall be amended to provide that the permit fees, deposits and other charges, relating to excavations by utility companies, shall be as fixed by Resolution of the Town Board.

As amended, Chapter 27, § 27-2(B) shall read as follows:

§ 27-2(B). Application; fee

B. There will be a fee for the permit application in an amount as shall be established by resolution of the Town Board, and set forth in an Appendix to this Chapter.

As amended, Chapter 27, § 27-16 shall read as follows:

§ 27-16. Rates for inspection, restoration and maintenance.

The charge to be made by the Town for inspection of any openings, pavement restoration and maintenance shall be in an amount as shall be established by resolution of the Town Board, and set forth in an Appendix to this Chapter.

Section 2: Chapter 27, Article II, §§ 27-20(B), 27-23(B), and 27-37(A) of the Code of the Town of Orangetown shall be amended to provide that the permit fees and other charges, relating to excavations by other than utility companies, shall be as fixed by Resolution of the Town Board.

As amended, Chapter 27, § 27-20(B), shall read as follows:

§ 27-20. Application; fee.

B. There will be a fee for each application filed in an amount as shall be established by resolution of the Town Board, and set forth in an Appendix to this Chapter, except that there shall be no fee if the repair or replacement is to existing Orangeburg Fiber Pipe (sanitary sewer connection).

As amended, Chapter 27, § 27-23(B), shall read as follows:

§ 27-23. Deposits required. [Amended 10-16-1995 by L.L. No. 24-1995; 8-20-2001 by L.L. No. 5,-2001]

B. Such deposits shall be in an amount as shall be established by resolution of the Town Board, and set forth in an Appendix to this Chapter.

As amended, Chapter 27, § 27-37(A), shall read as follows:

§ 27-37. Rates for inspection, restoration and maintenance. [Amended 10-16-1995 by L.L. No. 24-1995]

A. The charge to be made by the Town for each inspection for openings, pavement restoration, and maintenance shall be in an amount as shall be established by resolution of the Town Board, and set forth in an Appendix to this Chapter.

Section 3: Chapter 27, Article III, §§ 27-44, 27-46(A), and 27-46.1 of the Code of the Town of Orangetown shall be amended to provide that the permit fees and other charges, relating to driveways and construction of connections to Town roads, shall be as fixed by resolution of the Town Board.

As amended, Chapter 27, § 27-44, shall read as follows:

§ 27-44. Application fees for driveway connections.

A. There will be a nonrefundable fee for each new driveway application in an amount as shall be established by resolution of the Town Board, and set forth in an Appendix to this Chapter.

B. There will be a nonrefundable fee for each existing driveway application in an amount as shall be established by resolution of the Town Board and set forth in an Appendix to this Chapter.

As amended, Chapter 27, § 27-46(A), shall read as follows:

§ 27-46. Road and street connections: permit.

A. The fee for each application in an amount as shall be established by resolution of the Town Board, and set forth in an Appendix to this chapter. The application must be accompanied by cash or certified check in that amount payable to the Town of Orangetown.

As amended, Chapter 27, § 27-46(A), shall read as follows:

§ 27-46.1. Driveway inspection rates.

The charge to be made by the Town for each inspection for openings, pavement restoration, and maintenance shall be in an amount as shall be established by resolution of the Town Board, and set forth in an Appendix to this Chapter.

Section 4: Chapter 27, Article IV, § 27-50(B) of the Code of the Town of Orangetown shall be amended to provide that permit fees and other charges, relating to "Special Hauling" over Town roads, shall be as fixed by Resolution of the Town Board.

As amended, Chapter 27, § 27-50(B), shall read as follows:

§ 27-50. Application for permit; fees.

B. The application must be accompanied by cash or certified check in the amount as set forth, payable to the "Town of Orangetown", in an amount as shall be established by resolution of the Town Board, and set forth in an Appendix to this Chapter to cover the expense of investigating and routing.

Section 5. 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.

Section 6. This Local Law shall take effect immediately upon filing with the Secretary of State.

APPENDIX TO CHAPTER 27 OF THE TOWN CODE

Fees and Other Charges Relating to Road Excavations, Driveways and Heavy Haulings

§ 27-2	Road opening permit (Utility Companies)	\$ 75.00
§ 27-16	Road opening and restoration inspections (Utility Companies)	\$ 100.00 (Per inspection)
§ 27-20	Road opening and restoration inspections (Other than Utility Companies)	\$ 75.00
§ 27-23	Road opening restoration deposits	
	Shoulder to shoulder openings	\$ 500.00
	Shoulder to Centerline	\$ 300.00
	Should only openings	\$ 200.00
	Shoulder and Paved sidewalk	\$ 200.00 (plus \$15.00 per square foot of sidewalk impacted)

§ 27-37	Road opening/restoration maintenance inspections (10 sq. yds. or less/other than Utility Companies)	\$ 100.00 (Per inspection)
§ 27-44	Road opening permit for driveway connections	
	New driveways	\$ 75.00
	Existing driveways	\$ 100.00
§ 27-46	Road and Street connection permit applications	\$ 75.00
§ 27-46.1	Driveway inspections	\$ 100.00
§ 27-50	Special Hauling Permits	
	One month permit	\$ 100.00
	Six month permit	\$ 200.00
	One year permit	\$ 300.00

RESOLUTION NO. 658

ADOPT/LOCAL LAW 8, 2011/ROAD EXCAVATIONS DRIVEWAYS/HEAVY HAULING ROAD OPENING/RELATED FEES

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

RESOLVED, that the Town Board hereby adopts Local Law 8, 2011 to amend the Town Code, Chapter 27 entitled "Road Excavations, Driveways and Heavy Hauling" to establish and amend road opening and related fees by Resolution of the Town Board.

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

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RESOLUTION NO. 659

OPEN PH/LL SEWERS RULES AND REGULATIONS/STREET LATERAL CONNECTIONS

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

RESOLVED, that the 8:05 p.m. public hearing to amend the Town Code, Chapter 30, entitled "Sewers – Rules and Regulations" as it relates to the responsibility for the maintenance and repair of street lateral connections is hereby opened.

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

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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-B-11 and made a part of these minutes.

John Edwards, Town Attorney, explained that local law will require the owner to pay for all house sewer connections or repairs, including the portion between the main and the curb.

Summary of Public Comments:

Somnath Konduru, Tappan, asked for clarification as to who is responsible for repairs. He read a letter expressing that he is against this amendment to the Code.

Eileen Larkin, Palisades, asked if the Town's mainline causes a backup in a home, who is responsible for the damages. She believes the section of pipe in the street to the curb should be the Town's responsibility.

RESOLUTION NO. 660

CLOSE PH/LL SEWERS RULES AND REGULATIONS/STREET LATERAL CONNECTIONS

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

RESOLVED, that the public portion is hereby closed.

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

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RESOLUTION NO. 661

LEAD AGENCY/LL SEWERS RULES AND REGULATIONS/STREET LATERAL CONNECTIONS

Councilman Maturo 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 Maturo, Low-Hogan, Troy
Supervisor Whalen
- Noes: None
- Absent: Councilperson Diviny

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RESOLUTION NO. 662

SEQRA DECLARATION/LL SEWERS RULES AND REGULATIONS/STREET LATERAL CONNECTIONS

Councilman Maturo 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.

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

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Local Law No. 9, 2011, Amending Chapter 30, Relating to the Cost of Sewer Lateral Connections

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

Section 1: Chapter 30, § 1, of the Code of the Town of Orangetown shall be amended to add the term "Owner" to the list of definitions under the Chapter. The term shall be added following the term NYSDEC, and shall read as follows:

OWNER – The owner, or other person or entity exercising dominion and control by agreement with the owner, of the property to which the street lateral is connected and services.

Section 2: Chapter 30, § 30-5, subdivisions A and D of the Code of the Town of Orangetown shall be amended to as follows:

A. All house sewer connections, including that portion between the main and the curb (which shall be of six-inch pipe, unless the ~~Commissioner~~ Director of the Department of Environmental Management and Engineering shall direct that a larger size shall be used), shall be done by the Owner at his own cost and expense. [Amended 11-27-1995 by L.L. No. 34, 1995]

D. Once a street lateral and its associated cleanout have been constructed and approved by the Superintendent or ~~Commissioner~~ Director, the street lateral and its associated cleanout shall become the property of the Town, provided, however, and the responsibility for, and cost of, any repairs to same shall be borne by, and remain with, the property Owner whose property is serviced by the lateral. ~~Town.~~ [Added 1-10-2005 by L.L. No. 2-2005]

Section 3. 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.

Section 4. Effective Date. This Local Law shall become effective upon its filing with the Secretary of State.

RESOLUTION NO. 663

**ADOPT/LOCAL LAW 9, 2011/SEWERS
RULES AND REGULATIONS/STREET
LATERAL CONNECTIONS**

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

RESOLVED, that the Town Board hereby adopts Local Law 9, 2011 to amend the Town Code, Chapter 30 entitled "Sewers – Rules and Regulations" as it relates to the responsibility for the maintenance and repair of street lateral connections.

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

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RESOLUTION NO. 664

AMEND/2012 MEETING CALENDAR

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

RESOLVED, that the January 2012 Meeting Calendar be amended to have the meetings on Tuesdays and the rest of the 2012 Meeting Calendar to be voted on in January 2012.

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

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RESOLUTION NO. 665

ADOPT/AMEND/2012 MEETING CALENDAR/JANUARY 2012

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

RESOLVED, that the January 2012 Meeting Calendar be amended and adopted as follows:

- Tuesday 01/03/12 Re-Organizational Meeting
- Tuesday 01/10/12 RTBM/Audit (Monday-Martin Luther King)
- Tuesday 01/17/12 Workshop
- Tuesday 01/24/12 RTBM/Audit

Regular Town Board/Audit Meetings will begin at 7:30 p.m., and Town Board Workshop Meetings will begin at 8:00 P.M.

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

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RESOLUTION NO. 666

RECEIVE/FILE/AUTHORIZE SUPERVISOR/STAC ATHLETIC FIELD/SANITARY SEWER LINE ACCESS/STORMWATER MAINTENANCE AGREEMENTS

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, the Department of Environmental Management and Engineering and the Superintendent of Highways, receive and file STAC Athletic Field Sanitary Sewer Line and Access and Stormwater Maintenance agreements and authorize the Supervisor to execute all documents necessary to effectuate the acceptance of these items. Upon receipt from the Rockland County Clerk's Office, the agreement to be filed in the Town Clerk's Office.

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

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RESOLUTION NO. 667

APPROVE MEMORANDUM OF UNDERSTANDING/NEW YORK SHARKS

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

Resolution No. 667 - Continued

RESOLVED, that upon the recommendation of the Town Attorney, the Memorandum of Understanding between the Town of Orangetown and New York Sharks Aquatics for the year 2012 in the amount of FOURTEEN THOUSAND EIGHT HUNDRED NINETY-SEVEN AND 66/100 (\$14,897.66) DOLLARS, is hereby approved and the Supervisor is hereby authorized to execute such Memorandum of Understanding.

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

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RESOLUTION NO. 668

**APPROVE CARETAKER
AGREEMENTS NIKE LANE/BLUE
HILL/BORST PARK/ 2% INCREASE**

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, the caretaker agreements, with a 2% increase, between the Town and the following individuals are hereby approved and the Supervisor is hereby authorized to sign same: IACOBELLIS – Nike Lane in the amount of \$1,013.84; BELLO – Blue Hill in the amount of \$1,013.84; LIMANDRI – Borst Park in the amount of \$1044.48.

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

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RESOLUTION NO. 669

**FB ORANGETOWN LLC
ORANGEBURG COMMONS SPECIAL
PERMIT/DECLARATION OF LEAD
AGENCY**

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

RESOLVED, that upon the recommendation of the Town Attorney, adopt the following:

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

WHEREAS, the Town Board by Resolution 559 duly adopted the 11th day of October 2011 declared its intention to act as Lead Agency for the purpose of Environmental Review of the project, and further directed that a Coordination Letter be circulated to all involved and interested agencies informing them of the Town Board's intention and soliciting their response, if any, before the passage of 30-days; and

WHEREAS, the said Coordination was circulated to all such agencies on or before October 14, 2011; and

WHEREAS, more than 30 days have passed since the circulation of the said letter and no interested or involved agency has objected to the Town Board assuming the role of Lead Agency,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Orangetown hereby declares itself to be Lead Agency for the coordinated environmental review

Resolution No. 669 - Continued

of the proposed action entitled "Application of FB Orangetown, LLC to Amend the Special Permit for the Orangeburg Commons Mixed-Use Development of Property Located at the Intersection of State Rte. 303 and the Palisades Interstate Parkway (Exit 5 Interchange), in the Town of Orangetown (Town of Orangetown Tax Map Designation Sect. 74.15, Bl. 1, Lot 21).

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

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RESOLUTION NO. 670

**SCHEDULE PUBLIC HEARING
FB ORANGETOWN LLC
ORANEBURG COMMONS
170 ROUTE 303/74.15-1-21**

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

RESOLVED, that upon the recommendation of the Town Attorney, a public hearing is schedule for January 24, 2012, 8:05 p.m. to review the amended application for a Special Permit by FB Orangetown, LLC (Orangeburg Commons), 170 Route 303, Orangeburg, NY (74.15-1-21).

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

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RESOLUTION NO. 671

**ACCEPT LAND/TAPPAN FREE
LIBRARY/OAK TREE RD/MAIN
STREET/77.11-3-65 & 66**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office, the Department of Environmental Management and Engineering and the Superintendent of Highways, accept for dedication two strips of land adjacent to Oak Tree Road and Main Street, Tappan, New York from the Tappan Free Library, 93 Main Street, Tappan, NY, Tax Lots 77.11/3/65 and 66 pursuant to and as shown a Subdivision Map of the property approved by the Planning Board in its decision 2011-23, and authorize the Town Supervisor or his designee to executive all transfer documents necessary to effectuate the acceptance of this dedication and have the deeds thereto recorded with the Rockland County Clerk and the originals to be returned for filing with the Town Clerk.

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

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RESOLUTION NO. 672

**AUTHORIZE AGREEMENT
OLYMPUS PILOT RECAPTURE
AGREEMENT**

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

Resolution No. 672 - Continued

RESOLVED, that upon the recommendation of the Town Attorney, the Supervisor is hereby authorized to sign Olympus PILOT Recapture agreement.

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

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RESOLUTION NO. 673

**RECLASSIFY/MATTHEW CONNOLLY
SEWER DEPT/MAINTENANCE
MECHANIC I**

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

RESOLVED, that upon the recommendation of Rockland County Personnel Office, Matthew Connolly's position, in the Sewer Department, is hereby reclassified to Maintenance Mechanic I, grade 14, step 5, annual salary \$69,505.00, effective December 14, 2011.

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

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RESOLUTION NO. 674

**APPOINT/KAREN JAHNES
PRINCIPAL CLERK TYPIST
HIGHWAY DEPT**

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

RESOLVED, that Karen Jahnes, from the Highway Department, is hereby appointed to the position of Principal Clerk Typist (provisional) in the Highway Department, grade 10, step 19, annual salary \$68,837.00, effective December 14, 2011.

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

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RESOLUTION NO. 675

**APPOINT/RIMA DEL VECCHIO
SENIOR CLERK TYPIST/JUSTICE**

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

RESOLVED, that employee Rima Del Vecchio is hereby appointed to the position of Senior Clerk Typist, in the Justice Department, provisional, grade 5, step 2, annual salary of \$39,803.00, effective January 2, 2012.

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

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RESOLUTION NO. 676

**APPROVE COPIER LEASES/VARIOUS
DEPARTMENTS**

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

Resolution No. 676 - Continued

RESOLVED, that upon the recommendation of the Director of Finance, the following leases for copiers, for the following Departments, are hereby approved:

Parks, Recreation:

Proposed monthly cost of new equipment: Sharp 36ppm color copier-networked printer, scanner, fax and stapler/finisher

Monthly lease cost: \$225.77

Monthly maintenance cost- Color copies-6.2 cents per copy

Based on current copy count- Monthly cost for black and white- \$62.00

Highway

Sharp 36ppm black and white copier-networked printer, scanner and stapler/finisher

Monthly lease cost: \$177.00

Monthly maintenance cost- \$59.50

Building

Proposed monthly cost of new equipment: Sharp 36ppm black and white copier-networked printer, scanner and stapler/finisher

Monthly lease cost: \$177.00

Monthly maintenance cost- \$96.25

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

Noes: None

Absent: Councilperson Diviny

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RESOLUTION NO. 677**APPROVE SHOWMOBILE
ORANGEBURG FIRE DEPT**

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

RESOLVED, that the request of the Orangeburg Fire Department for use of the show mobile, for their Holiday Parade on Saturday, December 17th, at a rental fee of \$350.00 and a certificate of insurance listing the Town of Orangetown as additionally insured is hereby approved.

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

Noes: None

Absent: Councilperson Diviny

* * *

RESOLUTION NO. 678**AWARD BID/TRACTOR W/MOWER &
SNOW BLOWER/TRIUS INC**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for a Tractor with Mower and Snow Blower, which were received and publicly opened on November 10, 2011. (A copy of the publication and bid summary are labeled Exhibit 12-C-11 and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that upon the recommendation of the Superintendent of Highways, the bid for a tractor with mower and snow blower is hereby awarded to Trius, Inc., Bohemia, NY, the only qualified bidder, in the amount of \$97,887.00, to be charged to Account D5112.457.

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

Noes: None

Absent: Councilperson Diviny

RESOLUTION NO. 679

APPROVE PARTICIPATION EMPLOYEE CONTRIBUTION STABILIZATION PROGRAM

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

RESOLVED, that participation in the Employer Contribution Stabilization Program for both the NYS Employees Retirement System and the Police and Fire Retirement System for 2012, as consistent with the approved 2012 operating budget, is hereby approved.

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

RESOLUTION NO. 680

APPROVE POLICE LIFE INSURANCE POLICY

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

RESOLVED, that a Police life insurance policy, with the Standard Life Insurance Policy of New York, (cost will vary based on regular payroll), is hereby approved.

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

RESOLUTION NO. 681

APPROVE 2011 BUDGET TRANSFERS

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

RESOLVED, that upon the recommendation of the Finance Director, the following 2011 budget transfers are hereby approved.

#	2011 Budget Transfers Fund / Dept.	Account	Current Budget	Change	Revised Budget
General Fund					
1	Town Board Salaries	A.1010.100	\$ 93,421	\$ 879	\$ 94,300
2	Town Justice Salaries	A.1110.100	\$ 112,630	\$ 2,170	\$ 114,800
3	Supervisor Appointed	A.1220.015	\$ 68,963	\$ 2,537	\$ 71,500
4	Supervisor Salaries	A.1220.100	\$ 104,503	\$ 3,897	\$ 108,400
5	Retirement	A.9010.800	\$ 704,000	\$ (9,483)	\$ 694,517
6	Assessor Cert Exp	A.1355.485	\$ 30,000	\$ 15,000	\$ 45,000
7	Assessor Cap Outlay	A.1355.200	\$ -	\$ 3,500	\$ 3,500
8	Assesor Perm Sal	A.1355.011	\$ 314,752	\$ (18,500)	\$ 296,252
9	Build Maint Capital	A.1620.200	\$ -	\$ 21,000	\$ 21,000
10	Build Maint. Repairs	A.1620.453	\$ 65,000	\$ (21,000)	\$ 44,000
11	Central Data Contracts	A.1682.457	\$ 106,369	\$ 73,000	\$ 179,369
12	Central Data Capital Outlay	A.1682.200	\$ 89,990	\$ (55,000)	\$ 34,990
13	Central Data Seasonal	A.1682.013	\$ 18,000	\$ (18,000)	\$ -
Debt Service Fund					
14	Energy Performace	V.9789.600.42	\$ -	\$ 215,400	\$ 215,400

Contracts					
15	Unclassified Revenue	V.2770	\$ 27,682	\$ 96,400	\$ 124,082
16	EFC Sewer Interest	V.9790.700	\$ 1,016,666	\$ (85,000)	\$ 931,666
17	Premium Revenues	V.2710	\$ -	\$ 34,000	\$ 34,000
General Fund					
18	Assessor Cert Exp*	A.1355.485	\$ 45,000	\$ 100,000	\$ 145,000
19	Fund Balance	A.3599	\$ 200,000	\$ 100,000	\$ 300,000

* Transfer to pay \$100,000 to Rockland County as portion of tax certiorari.

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

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RESOLUTION NO. 682

ACCEPT MINUTES

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

RESOLVED, that the November 9, 2011 Regular Town Board Meeting and Audit Meeting; November 14, 2011 Special Town Board Meeting; November 15, 2011 Special Town Board Meeting; and November 22, 2011 Regular Town Board, Audit Meeting and Executive Session minutes are hereby accepted.

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

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RESOLUTION NO. 683

**MEMORIZALING RESOLUTION
 PAULA BOHOVESKY/PAROLE**

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

WHEREAS, on October 28, 1980, Richard LaBarbera and Robert McCain savagely attacked, sexually assaulted, and brutally murdered 16 year old Paula Bohovesky,

WHEREAS, Paula was an honor student and a much loved and valued member of the Orangetown Community,

WHEREAS, both men were tried and convicted for the murder of Paula Bohevesky and received the maximum sentence of 25 years to life,

WHEREAS, both men were denied parole in 2005, 2007 and 2009, and are now up for parole again,

WHEREAS, Dr. Zugible, the Medical Examiner, said that it was the most brutal attack he had seen,

WHEREAS, we as a Town Board believe that those who commit violent sex crimes cannot be trusted not to kill again,

WHEREAS, we as a Town Board believe that we have a responsibility to protect the innocent from sexual predators,

WHEREAS, we as a Town Board do not believe that either Richard LaBarbera, nor Robert McCain, should be granted parole,

Resolution No. 683 - Continued

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby petitions the New York State Parole Board to deny the requests of Richard LaBarbera and Robert McCain for parole.

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

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RESOLUTION NO. 684**APPROVE SETTLEMENT/ALL
BRIGHT ELECTRIC/CLAIM
CONTRACT WWTP-06-1E**

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

RESOLVED, that upon the recommendation of the Town Attorney and Commissioner of DEME, the settlement of a claim by All Bright Electric, a Division of Fran Corp., for additional costs and damages relating to Contract WWTP-06-1E for the sum of \$150,000.00, is hereby authorized and the Supervisor or his designated representative is hereby authorized to execute all documents required to effectuate such settlement. The said payment is in full satisfaction, and in release, of the claim embodied in the Amended Supplemental Notice of Claim, dated June 29, 2011.

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

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RESOLUTION NO. 685**ENTERED AUDIT**

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

RESOLVED, that the Town Board entered the Audit Meeting at 9:58 p.m.

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

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RESOLUTION NO. 686**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, and Special Parking Funds in the amount of \$2,250,835.65.

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

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RESOLUTION NO. 687**ENTER EXECUTIVE SESSION**

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

Resolution No. 687 - Continued

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

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

Resolution Nos. 688 and 689 see Executive Session.

RESOLUTION NO. 690

**DISCIPLINARY/SUSPENSION
EMPLOYEE NO. 2599**

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

WHEREAS, Employee # 2599 was suspended from employment on October 4, 2011, pending a hearing on disciplinary charges preferred against the employee; and

WHEREAS, the hearing was adjourned at the request of the employee and/or his attorney;

Be It RESOLVED, that, effective December 14, 2011, such suspension shall be without pay for a period not to exceed thirty (30) days.

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

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RESOLUTION NO. 691

ADJOURNMENT/MEMORY

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

RESOLVED, that the Town Board adjourned, in memory of PO Michael Sullivan, Pearl River; Bernard Adams, Blauvelt; Robert Schettig, Nyack; George Ahrens, Pearl River; Joan Jahnes, Blauvelt; William Morrissey, Pearl River; Edward Burden, Tappan; and Carmine Picariello, Tappan, at 10:20 p.m.

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

Teresa Accetta-Pugh, Deputy Town Clerk