

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
WEDNESDAY, JANUARY 28, 2015**

This Town Board Meeting was opened at 7:30 p.m. Supervisor Stewart presided and Charlotte Madigan, Town Clerk, called the Roll. Present were:

Councilman Denis Troy
Councilman Thomas Diviny
Councilman Thomas Morr
Councilman Paul Valentine

Also present: Charlotte Madigan, Town Clerk
John Edwards, Town Attorney
Teresa Kenny, Deputy Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Aric Gorton, Superintendent of Parks and Recreation
Mary Cardenas, Town Historian
Kevin Nulty, Police Chief

Eileen Larkin led the Pledge of Allegiance to the Flag.

Summary of Public Comments:

Amy Wertheim, Pearl River, said the Town Board is failing to represent the residents of Orangetown. She wants the Board to state whether they are in favor or against Anellotech.

The Board needs to be very careful with appointing members to the Land Use Boards.

Kathleen Kelly, Pearl River, once again voiced her concerns over the lack of regulations that is being given to the Anellotech facility. One of the independent consultants has a long-term relationship with Anellotech. Anellotech is not a research and development company. It is producing unhealthy pesticides.

Heather Hurley, Stop Anellotech Group, explained the public is frustrated, angry and disheartened to know that officials in Orangetown and Rockland have been pushing this plan through, without sufficient evidence. This construction will adversely affect the health and safety of the public. She requested that the Zoning Board rescind their decision and if need be, the Town Board file an Article 78, against the ZBA and Planning Board.

Eileen Larkin, Palisades, was asked by Mike Mandel of Pearl River to comment that the Fashion Institute of Technology (FIT) is a four year college and not a community college. Why is the Town responsible for a chargeback? She is in-favor of rental units at The Pointe of Lake Tappan project. Rental units are beneficial to seniors and the Town's tax base. She asked the Town Board to make sure Land Use Board members are certified.

Scott Paness, Nanuet, noted that the Zoning Board made a decision based on 50-year old zoning laws. He believes Anellotech is not a research and development company and is unhealthy in this residential area.

Elizabeth Dudley, Orangeburg, wants the zoning laws, especially for the Pfizer plant, updated. She did not understand the air monitoring reports for Anellotech and wants more transparency and more experts. A residential area is not the place for this type of chemical making plant.

RESOLUTION NO. 39

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

Ayes: Supervisor Stewart
Councilpersons Diviny, Troy, Morr, Valentine
Noes: None

RESOLUTION NO. 40**OPEN PH/CDBG-COMMUNITY
DEVELOPMENT BLOCK GRANT
GRANT/DOWLING GARDENS**

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

RESOLVED, that the 8:00 p.m. public hearing to consider the 2015 CDBG Grant Application is hereby opened.

Ayes: Councilpersons Diviny, Morr, Troy, Valentine
Supervisor Stewart
Noes: None

Summary of Public Comments:

Sr. Peggy Scarano explained the proposed project targets the frail elderly residents of Dowling Gardens. Dowling Gardens is a senior living complex, with 111 apartments. Median age of residents is 89 with 17 over 95 years of age. The seniors all fall within low/moderate income categories. This funding will support the development of a program that includes a variety of life-enhancing activities (ex. Health education, social and recreational activities, yoga and other physical movement training, computer based brain games) for the residents, development of activities specific to residents with dementia and allow completion of staff and family members training.

Eileen Larkin, Palisades, is in favor of this grant application. She has witnessed the programs at Dowling and believes the programs are beneficial to the residents.

RESOLUTION NO. 41**CLOSE PH/CDBG-COMMUNITY
DEVELOPMENT BLOCK GRANT
DOWLING GARDENS**

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

RESOLVED, the public portion is hereby closed.

Ayes: Councilperson Diviny, Supervisor Stewart
Councilpersons Troy, Morr, Valentine
Noes: None

RESOLUTION NO. 42**APPROVE/ACCEPT/SUBMIT CDBG-
COMMUNUNITY DEVELOPMENT
BLOCK GRANT / DOWLING
GARDENS**

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

RESOLVED, that the Orangetown Town Board approves, the 2015 CDBG Committee's recommendation (Dowling Gardens), to be submitted to the County of Rockland Community Development Office for consideration and approval.

Ayes: Councilpersons Troy, Morr, Diviny, Valentine
Supervisor Stewart
Noes: None

RESOLUTION NO. 43

TABLED/RESCHEDULE/PUBLIC HEARING / MIXED USE EXPANSION SPECIAL PERMIT / FB ORANGETOWN

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

RESOVED, the public hearing to consider the joint application of FB Greenbush, LLC for, respectively, a Special Permit for Mixed Use Expansion, pursuant to §§ 4.32 (P) of the Town Zoning Law, allowing the development of property located in the vicinity of the intersection of State Route 303 and the Palisades Interstate Parkway (Exit 5 Interchange) (Orangetown Tax Map designation 74.15-1-22) in the Town of Orangetown, and of FB Orangetown, LLC for related amendments to a previously granted and existing Special Permit applicable to immediately adjacent property (Orangetown Tax Map designation 74.15-1-21) is hereby TABLED and rescheduled to Tuesday, February 10, 2015, 8:00 p.m..

Ayes: Councilperson Troy, Supervisor Stewart
 Councilpersons Diviny, Morr, Valentine
 Noes: None

RESOLUTION NO. 44

APPOINT/REAPPOINT LIAISONS LAND USE BOARDS/COMMITTEES

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

RESOLVED, that the following Town Officials are hereby reappointed/appointed as liaisons to the following land use boards and committees for 2015:

ACABOR	Troy
Blue Hill Golf Course Advisory Committee	Valentine
Board of Assessment Review	Diviny
Board of Ethics	Ryff
Bureau of Fire Prevention	Diviny & Morr
Environmental Committee	Stewart
HABOR	Morr
Orangetown Housing Authority	Troy
Orangetown Emergency Management Comm.	Diviny
OPDAC	Stewart
Planning Board	Morr
Project Review Committee	Valentine
Shade Tree Commission	Stewart
Senior Citizen Advisory Committee	Troy
Substance Abuse Committee	Troy
Traffic Advisory Board	Valentine
Volunteer Health Advisory Committee	Morr
Youth Recreation Assessment Advisory Comm.	Diviny
Zoning Board of Appeals	Diviny

Ayes: Councilpersons Diviny, Valentine, Troy, Morr
 Supervisor Stewart
 Noes: None

RESOLUTION NO. 45

APPROVE/AMEND LAND USE BOARD FEES FOR 2015

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

RESOLUTION NO. 45 - Continued

RESOLVED, upon the recommendation of the Director of the Building Department, fees will be amended as follows for 2015:

Land Use Boards:

Planning Board:

Subdivision currently at \$200 + \$50 per new lot, increase to \$350 + \$125 per new lot. Increase Site plan fees from \$250 for Residential and \$300 for non-residential to \$500 for each plus the remaining fee for dwelling or square footage.

Historic Board:

Application fee is currently \$50, increase to \$125

Add a \$150 legal notice advertisement fee for all Land Use Boards for each time an advertisement or re-advertisement has to be done.

Building Department property violation searches from \$150 to \$200.

Ayes: Councilpersons Troy, Morr, Diviny, Valentine
Supervisor Stewart

Noes: None

RESOLUTION NO. 46

**APPROVE/DELEGATE/ROBERT
SIMON/ASSOCIATION OF TOWNS**

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

RESOLVED, that the Town Board hereby designates Robert Simon, Receiver of Taxes, as Delegate to represent and vote on behalf of the Town of Orangetown, at the 2015 Association of Towns Annual Meeting and Training.

Ayes: Supervisor Stewart
Councilpersons Diviny, Troy, Morr, Valentine

Noes: None

RESOLUTION NO. 47

**APPROVE/ALTERNATE DELEGATE
ANDREW STEWART/ ASSOCIATION
OF TOWNS**

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

RESOLVED, that the Town Board hereby designates Andrew Stewart, Supervisor of Orangetown, as Alternate Delegate to represent and vote on behalf of the Town of Orangetown, at the Association of Towns Annual Meeting and Training 2015.

Ayes: Supervisor Stewart
Councilpersons Diviny, Troy, Morr, Valentine

Noes: None

RESOLUTION NO. 48

**APPROVE/SYLVIA WELCH/ GRANT
WRITER/MICROFILM CONVERSION**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Morr and was unanimously adopted:

RESOLUTION NO. 48 - Continued

RESOLVED, the Town Board authorizes, the Supervisor to hire grant writer, Sylvia Welch, at a cost not to exceed \$650, to write a grant request to NYS Archives and Records program, for funding for a qualified vendor to convert approximately 250 rolls of 16 mm microfilm, in the Justice and Personnel departments, to digital records, at a total grant-funded cost between \$10,000 and \$20,000.

Ayes: Supervisor Stewart
Councilpersons Morr, Troy, Diviny, Valentine
Noes: None

RESOLUTION NO. 49**GRANT PERMISSION/2015
GRASSROOTS ADVOCACY
CAMPAIGN/HIGHWAY**

Councilman Valentine offered the following resolution, which was seconded by Councilman Morr and was unanimously adopted:

RESOLVED, that permission is hereby granted, for the Superintendent of Highways, to attend the 2015 Grassroots Advocacy Campaign, Local Roads and Bridges, Albany, NY, March 3-4, 2015, at a cost of \$229.06, to be charged to Account No. A5010.441 and \$50.00 to be charged to Account No. A5010.480, for a total amount of \$279.06.

Ayes: Councilpersons Valentine, Morr, Troy, Diviny
Supervisor Stewart
Noes: None

RESOLUTION NO. 50**APPROVE/SURPLUS EQUIPMENT**

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

RESOLVED, upon the recommendation of the Superintendent of Highways, declare the following surplus equipment available for auction:

2005	Ford F550 Mason Body	1FDAF57P95EC33500
1998	Chevy 2500 Pick-up	1GCGK24R8WE203291
2002	International 4300 Dump	1HTMMAAM12H393558
1980	FWD (no body)	K20768
1996	Case 621-B Loader	JEE0051570
1998	Tarco Windy-400	LW1914A5388L02
2000	Petersen Dump Trailer	1P9T01820X1314174
1998	Brush Bandit 280/280HD	4FMUS1616WP000369

Ayes: Councilpersons Morr, Troy, Diviny, Valentine
Supervisor Stewart
Noes: None

RESOLUTION NO. 51**APPROVE/SEWER WORK 2015
CERTIFICATE OF REGISTRATION**

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

RESOLVED, that upon the recommendation of the Town Attorney and the Commissioner of the Department of Environmental Management and Engineering, a Certificate of Registration for 2015 Sewer Work is approved to:

Cal Mart Enterprises, Inc., 4 Burts Rd., Congers, NY 10920
Dutra Excavating \$ Sewer, 10 Stone Hollow Rd., Montvale, NJ 07645

RESOLUTION NO. 51 - Continued

Rino Paving & Construction, Inc., 20 Viola Rd., Suffern, NY 10901
 Victor P. Zugibe, Inc., 66 West Railroad Avenue, Garnerville, NY 10923
 Environmental Construction, PO Box 573, Stony Point, NY 10980

Ayes: Supervisor Stewart
 Councilpersons Diviny, Troy, Morr, Valentine

Noes: None

RESOLUTION NO. 52

**APPROVE CONTRACT/ SYMPROCITY
 SOFTWARE SYSTEMS, INC.
 BUREAU OF FIRE PREVENTION**

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

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a one (1) year contract, on behalf of the Town, as proposed and written, with SYMPROCITY SOFTWARE SYSTEMS, INC. for a new inspection and record keeping software program and database customized for the Bureau of Fire Prevention, for a sum of FIVE AND 00/100 (\$5.00) DOLLARS per Inspection performed; and for the lease to the Town of a "Field Inspection Tablet Computer", specifically, the latest version of a Microsoft Surface tablet with Internet Access for FOUR AND 00/100 (\$4.00) DOLLARS per inspection.

Ayes: Councilpersons Troy, Morr, Diviny, Valentine
 Supervisor Stewart

Noes: None

RESOLUTION NO. 53

**APPROVE/REIMBURSEMENT OF
 PRO RATA PROPERTY TAX/ROUTE
 340 SIDEWALK ACQUISITIONS AND
 PURCHASE OF TEMPORARY
 EASEMENT**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Morr and was unanimously adopted:

WHEREAS, the Town Highway Department is in the process of constructing a sidewalk along Route 340 between New York State Route 303 and the Venture Living Center property.

WHEREAS, the Town has purchased property in order to build the proposed sidewalk.

WHEREAS, the Town will be reimbursed, for all expenses on this project, by the Federal Highway Administration (FHWA) and the New York State Department of Transportation (NYSDOT).

WHEREAS, in order to be reimbursed by the NYSDOT, NYSDOT is requiring that the Town reimburse property owners the pro rata amount that the property owners paid in property taxes on the purchased property.

WHEREAS, the Town Assessor has calculated these amounts as follows:

For tax lot 74.11-2-41, \$502.29.
 For tax lot 74.11-2-42, \$397.44.
 For tax lot 74.11-2-43, \$366.55.
 For tax lot 74.11-2-44, \$21.77.
 For tax lot 74.11-2-45, \$21.77.
 For tax lot 74.11-2-47, \$1,681.68.
 For tax lot 74.11-2-48, \$170.51.
 For tax lot 74.11-1-15, \$2,520.94.
 For tax lot 74.11-1-16.1, \$143.19.
 For tax lot 74.11-1-16.2, \$126.91.

RESOLUTION NO. 53 - Continued

WHEREAS, in order to construct the sidewalk, a temporary easement must be purchased, from the owner of tax lot 74.11-2-43.

RESOLVED, the Town Board authorizes the Town Finance Office to make the following reimbursements:

For tax lot 74.11-2-41, \$502.29.
 For tax lot 74.11-2-42, \$397.44.
 For tax lot 74.11-2-43, \$366.55.
 For tax lot 74.11-2-44, \$21.77.
 For tax lot 74.11-2-45, \$21.77.
 For tax lot 74.11-2-48, \$170.51.
 For tax lot 74.11-1-15, \$2,520.94.
 For tax lot 74.11-1-16.1, \$143.19.
 For tax lot 74.11-1-16.2, \$126.91.

RESOLVED, that because the owner of tax lot 74.11-2-47 has not paid his taxes for the years 2013 and 2014, his reimbursement will not be completed at this time, but the Town Board authorizes the payment of \$1,681.68 upon verification that his property taxes are paid in full, or in the alternative, that the amount in property taxes owed on tax lot 74.11-2-47 be reduced by the amount of \$1,681.68.

RESOLVED, the Town Board authorizes the payment of \$370 for purchase of a temporary easement on tax lot 74.11-2-43 relating to the sidewalk construction.

Ayes: Supervisor Stewart
 Councilpersons Morr, Troy, Diviny, Valentine
 Noes: None

RESOLUTION NO. 54**PERMISSION GRANTED/TRAFFIC COLLISION RECONSTRUCTION COURSE**

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

RESOLVED, upon the recommendation of the Chief of Police, approve Police Officers' Richard Holihan and Anthony Palazolo, to attend the Traffic Collision Reconstruction Course at the New York State Police Academy in Albany, NY, during the time period of April 27, 2015 – May 5, 2015, at a cost of \$3,130, to be charged to Federal Assets Forfeiture account # B.3120.408.16.

Ayes: Supervisor Stewart
 Councilpersons Diviny, Morr, Troy, Valentine
 Noes: None

RESOLUTION NO. 55**APPROVE/2015 GOLF FEE SCHEDULE**

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

RESOLVED, upon the recommendation of the Superintendent of Parks and Recreation, the following 2015 Golf Fee Schedule is hereby adopted:

**Town of Orangetown Department of Recreation and Parks
 2015 Blue Hill Fee Schedule**

Permit Rates			
Type:	2013 Fee:	2014 Fee:	2015 Fee:
Adult Resident	\$65.00	\$60.00	\$60.00
Senior Resident	\$50.00	\$50.00	\$50.00
Youth Resident	\$20.00	\$20.00	\$20.00
Youth Associate	\$30.00	\$30.00	\$30.00
Broadacres Grandfather	\$90.00	\$90.00	\$90.00
Associate	\$90.00	\$75.00	\$75.00
<i>Associate Senior</i>	--	--	<i>\$70.00</i>
Corporate	\$300.00	\$300.00	\$300.00

Weekday Resident Greens Fees			
Service:	2013 Fee:	2014 Fee:	2015 Fee:
Weekday Resident	\$29.00	\$31.00	\$31.00
<i>Weekday Resident-9 Hole/After 3:30pm</i>	\$22.00	\$24.00	\$24.00
Weekday Senior	\$24.00	\$26.00	\$26.00
Weekday Senior-9 Hole	\$18.00	\$20.00	\$20.00
Weekday Senior-After 3:30pm	\$18.00	\$20.00	\$20.00
Weekday Youth	\$18.00	\$18.00	\$18.00
<i>Weekday Youth-9 Hole/After 3:30pm</i>	\$15.00	\$15.00	\$15.00

Weekday Associate/Corporate Greens Fees			
Service:	2013 Fee:	2014 Fee:	2015 Fee:
Associate Weekday	\$42.00	\$42.00	\$42.00
<i>Associate Senior Weekday</i>	--	--	<i>\$33.00</i>
<i>Associate Weekday – 9 Hole/After 3:30pm</i>	\$27.00	\$27.00	\$27.00
Associate-After 6pm (June, July, August)	\$22.00	\$22.00	\$22.00
Corporate Weekday	\$44.00	\$44.00	\$44.00
<i>Corporate Weekday – 9 Hole/After 3:30pm</i>	\$29.00	\$29.00	\$29.00
Corporate-After 6pm (June, July, August)	\$25.00	\$25.00	\$25.00

Weekend Resident Greens Fees			
Service:	2013 Fee:	2014 Fee:	2015 Fee:
Weekend Resident	\$35.00	\$37.00	\$37.00
<i>Weekend Resident-9 Hole/After 3:30pm</i>	\$24.00	\$26.00	\$26.00
<i>Weekend Senior-9 Hole/After 3:30pm</i>	\$22.00	\$24.00	\$24.00
<i>Weekend Youth-9 Hole/After 3:30pm</i>	\$19.00	\$19.00	\$19.00

Weekend Associate/Corporate Greens Fees			
Service:	2013 Fee:	2014 Fee:	2015 Fee:
Associate Weekend	\$47.00	\$47.00	\$47.00
<i>Associate Weekend – 9 Hole/After 3:30pm</i>	\$31.00	\$31.00	\$31.00
Corporate Weekend	\$52.00	\$52.00	\$52.00
<i>Corporate Weekend – 9 Hole/After 3:30pm</i>	\$34.00	\$34.00	\$34.00
Seasonal Associate Alternate	\$20.00	\$20.00	\$20.00
Seasonal Corporate Alternate	\$18.00	\$18.00	\$18.00

Non-Resident Greens Fees			
Service:	2013 Fee:	2014:	2015:
Weekday Non-Resident	\$48.00	\$48.00	\$48.00
<i>Weekday Non-Resident – 9 Hole/After 3:30pm</i>	\$31.00	\$31.00	\$31.00
Non-Resident – After 6pm (June, July, August)	\$26.00	\$26.00	\$26.00
Weekend Non-Resident	\$57.00	\$57.00	\$57.00
<i>Weekend Non-Resident – 9 Hole/After 3:30pm</i>	\$36.00	\$36.00	\$36.00
Seasonal Non-Resident	\$30.00	\$30.00	\$30.00

Outing/Tournament Fees			
Service:	2011 Fee:	2014 Fee:	2015 Fee:
Green Fee & Cart	\$60.00	A.M. 18 Hole SG min 100 ppl. - \$60.00	A.M. 18 Hole SG min 100 ppl. - \$60.00
		P.M. 18 Hole SG min 100 ppl. - \$65.00	P.M. 18 Hole SG min 100 ppl. - \$65.00
		Consecutive Start - \$60.00	Consecutive Start - \$60.00

Golf Cart Rental Rates			
Service:	2013 Fee:	2014 Fee:	2015 Fee:
18 Hole Cart	\$36.91	\$36.91	\$36.91
9 Hole Cart	\$18.46	\$18.46	\$18.46
Single 9 Hole Cart Rate	\$10.15	\$10.15	\$10.15
Senior Cart	\$29.53	\$29.53	\$29.53
Senior 9 Hole Cart	\$14.77	\$14.77	\$14.77
Senior Single 9-Hole Cart	\$7.39	\$7.39	\$7.39

Winter Rates No Earlier Than 10/23 – No Later Than 4/1			
Service:	2013 Fee:	2014 Fee:	2015 Fee:
Residents	\$23.00	\$23.00	\$23.00
Senior Residents	\$17.00	\$17.00	\$17.00
BA Senior Resident 9 Hole	\$15.00	\$15.00	\$15.00
Associates	\$35.00	\$35.00	\$35.00
Corporate	\$38.00	\$38.00	\$38.00
Non-Residents	\$40.00	\$40.00	\$40.00

Golf Course Staff Rates			
Service:	2013 Fee:	2014 Fee:	2015 Fee:
Mon. – Thu.	\$10.00	\$10.00	\$10.00
Mon. – Thu. Twilight	\$5.00	\$5.00	\$5.00
Friday	\$11.00	\$11.00	\$11.00
Sat. – Sun.	\$16.00	\$16.00	\$16.00
Sat. – Sun. Twilight	\$6.00	\$6.00	\$6.00

Resident Seasonal Rates:			
Service:	2013 Fee:	2014 Fee:	2015 Fee:
Seasonal Program:	\$38.00	\$40.00	\$40.00

Weekday Mid-Day Rates:			
Service:	2013 Fee:	2014 Fee:	2015 Fee:
Resident Mid Day	\$25.00	\$27.00	\$27.00
Associate Mid Day	\$33.00	\$35.00	\$35.00

**Weekday and weekend 9 Hole rates are applied at the discretion of Town and Pro Shop staff and are not available on a daily basis.*

Ayes: Councilpersons Diviny, Troy, Morr, Valentine
Supervisor Stewart
Noes: None

RESOLUTION NO. 56

PERMISSION GRANTED/NY WATER ENVIRONMENTAL CONFERENCE

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

RESOLVED, that upon the recommendation of the Commissioner of the Department of Environmental Management and Engineering, grant permission for Ken Skibinski to attend the NY Water Environment Association’s Annual 3 day winter meeting at a cost of \$1,240.00.

Ayes: Councilpersons Diviny, Morr, Troy, Valentine
Supervisor Stewart
Noes: None

RESOLUTION NO. 57

ACCEPT/PO NEIL O ’SULLIVAN RESIGNATION RETIREMENT

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

RESOLUTION NO. 57 - Continued

RESOLVED, upon the recommendation of the Chief of Police, accept with regret, the resignation/retirement of Police Officer Neil O'Sullivan from the Orangetown Police Department effective January 31, 2015.

Ayes: Councilpersons Troy, Morr, Diviny, Valentine
Supervisor Stewart
Noes: None

RESOLUTION NO. 58**ACCEPT/RECEIVE/FILE/ TOWN
CLERK'S OFFICE**

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

RESOLVED, that the following documents are accepted, received and filed in the Town Clerk's Office:

1. Air Emissions Agreement with Triumvirate Environmental, dated 1/14/15
2. Air Emissions Agreement with Trinity Consultants, dated 1/12/15
3. January 6, 2015 Re-Organizational Meeting/Executive Session minutes

Ayes: Supervisor Stewart
Councilpersons Diviny, Troy, Morr, Valentine
Noes: None

RESOLUTION NO. 59**THE POINTE AT LAKE TAPPAN
APPROVE REDUCTION
RECREATION FEE/REFER
APPLICANT/PLANNING BOARD**

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

WHEREAS, by resolution 771 of 2005, adopting LL. No. 18 of 2005, the Town Board changed the zoning classification for property located on the southwest corner of the intersection of Veterans Memorial Drive and Blue Hill Road South (Tax Map designation: 73.10-1-4), from OP to PAC (Planned Adult Community); and

WHEREAS, as a condition of such zone change, the Owner/applicant agreed to pay certain sums, consisting of sewer impact charge in the amount of \$1,000,000 (to be paid over time in accordance with the schedule set forth in resolution 770) to help offset the added burden that the development would place on the Town's sewer and wastewater treatment facilities, and a recreation fee of \$700,000, following the grant of site development plan approval, provided the Planning Board determined that such sum, in combination with the proposed on-site recreational amenities would exceed the amount that the Owner/applicant otherwise would be responsible to pay under the Town's land use regulations; and

WHEREAS, as a result of the economic downturn, the Owner/applicant did not proceed with the project, and eventually returned to the Town Board which approved a revised concept plan that proposed rental units only, and an increase in the unit count, but also included substantially more "open space" than initially proposed, which space will remain undeveloped; and

WHEREAS, in connection with the revised plan, the Owner/applicant has requested that the Town Board reduce the amount of the recreation contribution from \$700,000 to \$250,000, with the full \$1.25 million to be paid immediately upon the signing of the site plan, rather than over time; and

RESOLUTION NO. 59 - Continued

WHEREAS, the Town Board believes that the value of that open space as a passive recreational amenity, coupled with other on-site recreational amenities, will equal or exceed the amount that the Owner/applicant would have paid in accordance with the applicable land use regulations, and, further, that the Town will further benefit from the immediate payment of the full sewer contribution, which already has been long delayed,

NOW, THEREFORE BE IT RESOLVED, that the Town Board amends the recreation contribution condition of resolution 771 of 2005 to provide for a contribution of \$250,000, provided that the Planning Board, upon consideration of this resolution, determines that such reduced contribution, coupled with the value of other on-site recreational amenities, exceeds the amount that would otherwise be due under Town's land use regulations. In this regard, the Town Board further determines and recommends that the money-in-lieu of land calculation be computed using the regulations in effect at the time that the PAC Zone change was approved, specifically because of the magnitude of the other monetary contributions (including but not limited to the renovation of the Seth-Perry house located on site) agreed to by both the Town and the Owner/applicant at the time the zone change was approved; and

BE IT FURTHER RESOLVED, that the application is hereby referred back to the Town Planning Board for action consistent with this resolution.

Ayes: Councilpersons Troy, Valentine, Diviny, Morr
Supervisor Stewart
Noes: None

RESOLUTION NO. 60**AWARD BID/ONE NEW SPORT
UTILITY VEHICLE/SCHULTZ FORD**

Under new business, Councilman Morr 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 one new Sport Utility Vehicle, which were received and publicly opened on January 22, 2015; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 1-A-15, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Schultz Ford, Nanuet New York in the amount of \$27,879.00, the lowest qualified bidder.

Ayes: Councilpersons Morr, Troy, Diviny, Valentine
Supervisor Stewart
Noes: None

RESOLUTION NO. 61**AWARD BID/ONE NEW LOADER
BACKHOE/MONTANO CO.**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for one new Loader-Backhoe, which were received and publicly opened on January 22, 2015; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 1-B-15, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to A. Montano Co. Inc., Saugerties New York, in the amount of \$126,060.42, the only qualified bidder.

Ayes: Councilpersons Diviny, Valentine, Troy, Morr
Supervisor Stewart
Noes: None

RESOLUTION NO. 62**APPROVE/APPRAISAL/RPC LOT #1
BECKMAN APPRAISALS**

Under new business, Supervisor Stewart offered the following resolution, which was seconded by Councilman Valentine and was unanimously adopted:

RESOLVED, upon the recommendation of the Town Board, authorize the Town Assessor to obtain appraisal of Orangetown-owned land known as "Lot 1" of the former Rockland Psychiatric Center property, located adjacent to Veterans Memorial Highway and Lake Tappan, for a total cost not to exceed \$10,000 plus chargeable expenses as per attached agreement from Beckman Appraisals.

Ayes: Supervisor Stewart
Councilpersons Valentine, Troy, Diviny, Morr
Noes: None

RESOLUTION NO. 63**PAY VOUCHERS**

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

RESOLVED, upon the recommendation of the Finance Director, Jeff Bencik, 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 for a total amount of \$1,165,939.80.

Ayes: Councilpersons Diviny, Troy, Morr, Valentine
Supervisor Stewart
Noes: None

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RESOLUTION NO. 64**ENTER EXECUTIVE SESSION
LEGAL MATTERS**

In attendance, at this Executive Session, were Supervisor Stewart, Councilmen Troy, Diviny, Morr, and Valentine, Charlotte Madigan, John Edwards, and Jeff Bencik.

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

RESOLVED, at 9:04 p.m., the Town Board entered Executive to discuss particular legal matters. Supervisor Stewart said no further votes will be taken.

Ayes: Supervisor Stewart
Councilpersons Diviny, Troy, Morr, Valentine
Noes: None

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RESOLUTION NO. 65**REENTERED RTBM
ADJOURNED/MEMORY**

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

RESOLVED, at 9:38 p.m., the Town Board reentered the Regular Town Board Meeting and adjourned, in memory of Dr. Keith C. (Chad) Murdock, Pearl River; Rex Louie Bernstein (22 yrs old), Nyack; Ronald D. Royster Sr., Nyack; Frances Gray Pellegrini, mother of former Town Supervisor, Roger Pellegrini; and Helena Davin, Pearl River.

Ayes: Supervisor Stewart
Councilpersons Troy, Diviny, Morr, Valentine
Noes: None

Charlotte Madigan, Town Clerk