

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, MARCH 1, 2016**

This Regular Town Board Meeting was opened at 7:37 p.m. Supervisor Stewart presided and Charlotte Madigan, Town Clerk, called the roll. Present were:

Councilman Denis Troy  
Councilman Thomas Diviny  
Councilman Paul Valentine  
Councilman Gerald Bottari

Also present: Charlotte Madigan, Town Clerk  
John Edwards, Town Attorney  
Teresa Kenny, Deputy Town Attorney  
Jeff Bencik, Finance Director  
James Dean, Superintendent of Highways  
Joseph Moran, Commissioner of DEME  
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.

Pledge of Allegiance to the Flag of the United States of America was led by Dermot Moore.

Announcement:

RTBM of 3/15/2016 8:05 P.M. – Public Hearing Re: Proposed Text Amendments to Zoning Code to Require Issuance of Building Permit and C.O. for New Operator/Occupant of Commercial Business Without Change of Use (J. Giardiello)

Nykia Sturdivant-Reyes introduced her grandmother, Andrea Sturdivant. Andrea is a lifelong resident of Sparkill and she worked at RPC, for 40 years, as a Registered Nurse. As an active member of the St. Charles Ame Zion Church, she is the first female chairperson for the Trustee Board, a Deaconess, an usher, a choir member, the original librarian of the church, the Vice President of the Lay Council, the head of the Board of Evangelism and part of the nursing board. She has been asked to be in charge of the Health Committee for the NAACP of the Spring Valley branch and she is currently the longest running President of the Chi Eta Phi Tau Phi Chapter. The Town Board presented Ms. Sturdivant with a Proclamation, to publically recognize and celebrate the contributions of the African-American residents of our town and also to proclaim February 2016 as Black History Month in Orangetown.

The Rockland County Ancient Order of Hibernians was presented with a Proclamation, declaring March 2016 to be Irish Cultural Heritage Month in Orangetown. The Rockland County AOH Pipe Band has been invited by the Irish government to par-take in celebrations in Dublin, as part of the 1916 Easter Rising Centenary Commemoration, to establish United Ireland. This important event will also be commemorated in Orangetown, at the GAA facility, in a few weeks. In attendance, from the RCAOH, were Tom Leavy, Lillian Murphy, Neil Cosgrove, Mary O’Sullivan, Dermot Moore, Tom O’Reilly, Brian Pearson, Joan Moore and Pat Hagerty. Dave Streicket and Dan Duffy members of the RCAOH Pipe Band played their bagpipes for all to enjoy.

Summary of Public Comments (RTBM):

Esta Baitler, Sparkill, would like Disability Awareness Month be put on the agenda. The bus shelter outside Thorpe needs to be more handicap accessible.

Eileen Larkin, Palisades, referring to the notable increase on the tax bills, she requested letters be sent to the Governor to fund Medicaid, instead of it being the financial responsibility of the people of Rockland County.

Tracey Handcock, Pearl River, announced that the Hillside Commercial Park is on the March 9<sup>th</sup> Planning Board’s agenda. There are 10 acres of trees, between Route 304 and Railroad Ave, encroaching on wetlands, and adjacent to a very large residential neighborhood, in the heart of Pearl River. This exact parcel of land was identified, in the 2000 Orangetown’s Comprehensive Plan, and it was recommended to be preserved as open space. The Town Board did not act on that recommendation. She asked the Town Board to look at the future of Pearl River and what is happening with development. She thinks in the last year so many issues have arisen that are making families question whether or not it is a safe place to live. The Town Board has the power to make good choices for the Town.

Michael Mandel, Pearl River, believes that CANDLE fails to provide services to the Pearl River schools. All schools should be included in this program. He asked if Applied Golf's costs, for Broadacres, were under or over. He was unhappy the amendments to the Prohibited Uses code were unavailable for review, by the public before the meeting.

Bill Clarke, Pearl River, said the Army Corp of Engineering did a study on the parcel of land for the proposed Hillside Commercial Park project. The study stressed this site is all wetlands and swamp. Construction on this site would increase flooding.

**RESOLUTION NO. 128**

**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, Valentine, Bottari  
Noes: None

\*\*\*

**RESOLUTION NO. 129**

**RE-OPEN AND CONTINUE PH  
PROHIBITED USES/PROPOSED  
LOCAL LAW/AMENDING THE TOWN  
ZONING LAW**

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

RESOLVED, that the public hearing on a proposed Local Law that would amend the §§ 4.41, 4.42 and 4.45 of the Town Code of the Town of Orangetown, relating to "Prohibited Uses" and processes, and, further, make changes to the Table of General Use Regulations 43, Attachment 7, Column 2, Permitted Use 9, applicable to the "LI" Zoning District is hereby reopened and continued.

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

**Summary of Public Comments:**

Heather Hurley, Pearl River, does not understand how the Town Board can vote on the amendments when the final ones were unavailable for review. She is against some of proposed amendments because they do not close all loopholes. The amendments must include defining scale for Research and Development.

Dr. Emil Bahary, Pearl River, explained the scale of operations, bench-lab scales and pilot scales. His data came from reviews of other people in this industry. He submitted some amendment language for the Town Code.

**RESOLUTION NO. 130**

**CONTINUE PH/ PROHIBITED USES  
PROPOSED LOCAL LAW/AMENDING  
THE TOWN ZONING LAW**

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

RESOLVED, that the public hearing on a proposed Local Law that would amend the §§ 4.41, 4.42 and 4.45 of the Town Code of the Town of Orangetown, relating to "Prohibited Uses" and processes, and, further, make changes to the Table of General Use Regulations 43, Attachment 7, Column 2, Permitted Use 9, applicable to the "LI" Zoning District is hereby continued to Tuesday, March 15, 2016, at 8:10 p.m.

Ayes: Councilman Diviny, Supervisor Stewart  
Councilpersons Troy, Valentine, Bottari  
Noes: None

**RESOLUTION NO. 131**

**SET PUBLIC HEARING/ LOCAL LAW  
AMENDING CHAPTER 18/TOWN  
CODE/HAWKING AND PEDDLING**

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

RESOLVED, that the Board hereby sets Tuesday, April 12, 2016, at 8 p.m. for a public hearing on a proposed local law, amending the provisions of Chapter 18 of the Town Code, relating to Hawking and Peddling.

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

\*\*\*

**RESOLUTION NO. 132**

**APPROVE/ROCKLAND COUNTY  
MOSQUITO CONTROL SERVICES  
AND AUTHORIZE PAYMENT**

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

WHEREAS, pursuant to sections 1305 and 1306 of the N.Y.S. Public Health Law, the owners of premises are required to suppress and abate, at their own cost and expense, any nuisance or other condition detrimental to the public health; and

WHEREAS, pursuant to section 19.1.0 of the Rockland County Sanitary Code, the unabated breeding of mosquitoes in non-essential water sources is determined to be a condition detrimental to the public health, and, as such, is required to be suppressed and/or abated; and

WHEREAS, the Town is the owner of certain non-essential water sources, as more fully described in correspondence from the Rockland County Department of Health, dated January 25, 2016, wherein at least the potential for the breeding of mosquitoes exists; and

WHEREAS, the Rockland County Department of Health has offered to provide the required suppression and abatement services to the Town at the designated locations at a cost of \$4,375.00,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves an agreement with the County of Rockland, pursuant to which the County Department of Health will provide full service mosquito control services at the various identified locations at a cost not to exceed \$4,375.00, and authorizes the Supervisor, or his designated representative to execute the service request form and to make the required payment.

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

\*\*\*

**RESOLUTION NO. 133**

**AMEND RESOLUTION #62/2016  
REAPPOINT CHARLES (SKIP)  
VEZZETTI/CHAIRMAN/SANITATION  
COMMITTEE**

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

RESOLVED, amend Resolution #62, that the Town Board hereby reappoints Charles (Skip) Vezzetti, as Chairman of the Sanitation Committee, for a one year term, commencing January 1, 2016 and expiring on December 31, 2016.

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

**RESOLUTION NO. 134**

**REAPPOINT/ORANGETOWN  
HEALTH ADVISORY SERVICES  
COMMITTEE**

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

RESOLVED, that the following are hereby reappointed as members to the Orangetown Health Advisory Services Committee, for a one-year term, commencing on January 1, 2016, and expiring on December 31, 2016:

Steve Harris

Glen Albin

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

\*\*\*

**RESOLUTION NO. 135**

**APPROVE/2016 AGREEMENT/CANDLE**

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

RESOLVED, that the Town Board hereby authorizes the Supervisor, or his designated representative, to sign an Agreement between the TOWN and CANDLE, at a cost to the TOWN of \$35,132.50, pursuant to which CANDLE shall provide drug abuse and prevention awareness programs and services to the youth of the Town of Orangetown during and throughout calendar year 2016.

Ayes: Councilman Troy, Supervisor Stewart  
Councilpersons Diviny, Valentine, Bottari  
Noes: None

\*\*\*

**RESOLUTION NO. 136**

**AMEND AMOUNT/CANDLE  
AGREEMENT-2016**

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

RESOLVED, that the Town Board hereby amends the agreement between the TOWN and CANDLE, at a cost to the TOWN, from \$30,482.50 to \$35,132.50.

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

\*\*\*

**RESOLUTION NO. 137**

**COMBINED AGENDA ITEMS**

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

RESOLVED, agenda items ten (10) thru twelve (12) are hereby combined.

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

\*\*\*

**RESOLUTION NO. 138**

**SHOWMOBILE/PENGUIN PLUNGE**

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

**RESOLUTION NO. 138 - Continued**

RESOLVED, upon completion of all necessary paperwork the Superintendent of Parks and Recreation has forwarded for approval, by the Town Board, use of the Showmobile, by Penguin Plunge Inc., for their annual Penguin Plunge, on Sunday, March 6, 2016, at a rental cost of \$400.00, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

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

\*\*\*

**RESOLUTION NO. 139**

**SHOWMOBILE/ST. THOMAS  
AQUINAS COLLEGE HOUSE BAND  
SPRING 2016 CONCERT**

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

RESOLVED, upon completion of all necessary paperwork the Superintendent of Parks and Recreation has forwarded for approval, by the Town Board, use of the Showmobile, by St. Thomas Aquinas College, for their House Band Spring Concert, on Wednesday, April 13, 2016, at a rental cost of \$400.00, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

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

\*\*\*

**RESOLUTION NO. 140**

**SHOWMOBILE/DOMINICAN  
COLLEGE/SPRING FEST 2016**

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

RESOLVED, upon completion of all necessary paperwork the Superintendent of Parks and Recreation has forwarded for approval, by the Town Board, use of the Showmobile, by Dominican College, for their Spring Fest, on Thursday, April 28, 2016, at a rental cost of \$400.00, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

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

\*\*\*

**RESOLUTION NO. 141**

**APPROVE/SEWER WORK 2016  
CERTIFICATE OF REGISTRATION**

Councilman Valentine offered the following resolution, which was seconded by Councilman Bottari 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 2016 Sewer Work is approved to:

Kevin Stokes Excavating, Inc., 52 Grotke Road, Chestnut Ridge, NY 10977  
Pearl River Plumbing, Heat & Electric, 60-70 Dexter Plaza, Pearl River, NY 10965  
Carmelo Scaffidi & Sons, 34 North Route 9W, West Haverstraw, NY 10993  
Rooter Plumbing Hudson Valley, Inc., P. O. Box 1740, Pleasant Valley, NY 12569  
Coppola Services, 28 Executive Parkway, Ringwood, NJ 07656

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

**RESOLUTION NO. 142**

**AUTHORIZE/HIGHWAY DEPT/20<sup>th</sup>  
ANNUAL OPEN HOUSE/MAY 14, 2016  
SATURDAY**

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

RESOLVED, that the Highway Department is hereby authorized to host their 20<sup>th</sup> Annual Open House, on Saturday, May 14, 2016, from 10:00 AM to 12:00 noon, at the Highway Department Facility.

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

\*\*\*

**RESOLUTION NO. 143**

**COMBINED AGENDA ITEMS**

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

RESOLVED, agenda items fifteen (15) and sixteen (16) are hereby combined.

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

\*\*\*

**RESOLUTION NO. 144**

**APPROVE AID/FLYING DUTCHMEN  
5K RUN/TAPPAN ZEE HIGH SCHOOL**

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

RESOLVED, that the Town Board hereby authorizes the Town of Orangetown Highway Department & Police Department to lend assistance, which includes the use of barricades, from the Highway Department, and (5) Auxiliary Police Officers, from the Police Department, for the Tappan Zee HS Annual "Flying Dutchmen 5K Run", on Saturday, March 12, 2016, 9 am - 10 am.

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

\*\*\*

**RESOLUTION NO. 145**

**AID/GRAN FONDO NEW YORK  
CYCLING MARATHON**

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

RESOLVED, that the Town Board hereby authorizes the Town of Orangetown Highway Department to lend assistance, which includes the use of cones, detour signs, barricades and barrels, for the Gran Fondo New York Cycling Marathon, on Sunday, May 15, 2016, from 8:00 am to 3:00 pm.

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

\*\*\*

**RESOLUTION NO. 146**

**APPROVE/INSTALLATION FIRE  
HYDRANT/160 OLD ORANGEBURG RD**

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

RESOLVED, upon the recommendation of Suez (United Water New York) and the Town of Orangetown Fire Inspector, the installation of 1 (one) fire hydrant across 160 Orangeburg Rd., Orangeburg, NY is hereby approved.

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

\*\*\*

**RESOLUTION NO. 147**

**APPOINT/ALLAN SEEBACH JR.  
GREENSKEEPER**

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

RESOLVED, Allan Seebach, Jr., is hereby appointed to the position of Greenskeeper, permanent, from Rockland County List #16042 (NCP/T&E – Non-Competitive Promotion, Training and Experience), effective 03/02/2016, no change in salary.

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

\*\*\*

**RESOLUTION NO. 148**

**PAY VOUCHERS**

Councilman Diviny offered the following resolution, which was seconded by Supervisor Stewart 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 \$1,650,100.87.

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

\*\*\*

**RESOLUTION NO. 149**

**ENTER EXECUTIVE SESSION  
LEGAL COUNSEL/PARKS FACILITIES**

In attendance, at this Executive Session, were Supervisor Stewart, Councilpersons Troy, Diviny, Valentine, Bottari, Charlotte Madigan, John Edwards, Teresa Kenny, Jeff Bencik, and Aric Gorton.

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

RESOLVED, at 8:50 p.m. the Town Board entered Executive Session to discuss a legal matter regarding Park's facilities.

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

\*\*\*

**RESOLUTION NO. 150**

**REENTERED RTBM/ADJOURNED  
MEMORY**

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

RESOLVED, at 9:25 p.m. the Town Board reentered the Regular Town Board Meeting and adjourned, in memory of Antonin Scalia, U.S. Supreme Court Justice; Anna Caraccia, Pearl River; Carol E. Fleishmann, Piermont; Joan McKallen, Pearl River; Eleanor Utzig, Nyack; Theresa Mary Wilson, Pearl River; and Joseph McGuinness, Athletic Director of Albertus Magnus High School.

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

---

**Charlotte Madigan, Town Clerk**