

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, MARCH 10, 2015**

This Regular Town Board Meeting was opened at 6:30 p.m. Supervisor Stewart presided and the Deputy Clerk called the Roll. Present were:

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

Also present:

Geraldine Orlik, Deputy Clerk
Teresa Accetta-Pugh, Deputy Clerk
John Edwards, Town Attorney
Teresa Kenny, Deputy Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Joe Moran, Commissioner of DEMA
Robert Simon, Receiver of Taxes
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks and Recreation

Cub Scout Pack 88 Webelos led the Pledge of Allegiance to the Flag.

RESOLUTION NO. 103

**ENTERED EXECUTIVE SESSION
TERMS OF AGREEMENT/RPC SITE**

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

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

RESOLVED, at 6:30 p.m., the Town Board entered Executive Session to discuss terms of a legal agreement concerning the RPC site.

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

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RESOLUTION NO. 104

RE-ENTERED RTBM

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

RESOLVED, at 7:38 p.m., the Town Board re-entered the Regular Town Board Meeting.

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

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The Town Board presented a Proclamation, proclaiming March 2015 to be Irish Cultural Heritage Month, to Vincent Tyer, Grand Marshal of the St. Patrick's Day parade. He thanked the Town for making the parade one of the best events in the County. The parade is on Sunday, March 22nd starting at 1:30 p.m.

Summary of Public Comments (RTBM):

James Flynn, Nanuet, asked the Town Board to ignore the slander and inflammatory attacks against Town employees, themselves, Anellotech's employees and the DEC. Do not destroy the economic viability of the Pfizer site and refuse any requests for a moratorium.

Sr. Ursula Joyce, Executive Director of Thorpe Village, explained that Thorpe Village is the only Senior Housing in Orangetown that offers Section 8 Affordable Housing and residents only pay 30% of their income. They are ready to start a major renovation project and asked that the Building Permit fees be waived.

Eileen Larkin, Palisades, believes the proposed adult housing should request a zone change and not apply for a Use Variance Permit. She would like other developers to submit proposals for the same RPC site that the Toll Brothers did.

Dimitri Laddis, Rockland FC Soccer and resident of Piermont, is looking for a solution for enforcing OMM's membership agreement with the Town. The agreement stipulates that 85% of their membership be Orangetown residents.

Thomas Sullivan, Pearl River, said the Town government needs to do everything in its power to stop Anellotech. They are going to be cooking tons of plant waste to make BTX by the barrel.

Heather Hurley, Pearl River, presented an on-line petition in opposition of Anellotech's expansion plan and another petition to make new provisions in the Town Code to control and regulate uses involving biomass, incineration, organic chemicals etc. She requested the Town Board to consider a moratorium.

Denise Schorn, Pearl River, supports any effort for a moratorium on certain industrial applications and on issuance of building, sewer, or other permits for these uses. She asked the Town Board to set clearer guidelines for chemical plants and prohibit the use of biomass.

Ken Cully, Nanuet, opposes Anellotech's expansion project. It will have very little impact on our economy; it's not a tax relief and it will produce hazardous waste. He is in favor of a moratorium.

Scott Panese, Nanuet, said the Anellotech project will allow poisons into our air. DEC documents have been withheld. He supports a moratorium.

Watson Morgan, Environmental Committee and resident of Blauvelt, is not happy with the site Toll Brothers wants to build on. That particular site should be kept for recreational use.

Manny Larenas, Pearl River, encouraged the Town Board to vote Anellotech project down. The health of everyone will be compromised. He is in favor of a moratorium.

Denise Scheyd, Pearl River, explained that Benzene causes leukemia and cancer. Pearl River needs an Environmental Impact Study. She requested the Town Board to put a stop to Anellotech.

RESOLUTION NO. 105

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

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

RESOLUTION NO. 106

OPEN PUBLIC HEARING/PROPOSED LOCAL LAW NO. 1, 2015/POLICE REGULATION/NEW CHAPTER/TOWN CODE CHAPTER 10-C DISORDERLY OFFENSES

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

RESOLVED, the public hearing on a proposed local law, amending the Town Code to add a new Chapter 10C, entitled "Disorderly Offenses", is hereby opened.

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

The Affidavit of Publication and Notice of Posting are labeled Exhibit 03-A-15 and made a part of these minutes.

The public comment portion was opened and no one made any comments.

RESOLUTION NO. 107**CLOSE PUBLIC HEARING/PROPOSED LOCAL LAW 1, 2015/POLICE REGULATION/NEW CHAPTER/TOWN CODE/CHAPTER 10-C/DISORDERLY OFFENSES**

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

RESOLVED, the public hearing on a proposed local law, amending the Town Code to add a new Chapter 10C, entitled "Disorderly Offenses", is hereby closed.

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

RESOLUTION NO. 108**DESIGNATION OF LEAD AGENCY DETERMINATION UNDER SEQRA PROPOSED LOCAL LAW 1, 2015/POLICE REGULATION/NEW CHAPTER/TOWN CODE/CHAPTER 10-C DISORDERLY OFFENSES**

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

RESOLVED, the Town Board hereby declares itself to be Lead Agency for environmental review with respect to a proposed Local Law, amending the Town Code to add a new Chapter 10C, entitled "Disorderly Offenses", and determines that such action will not have a significant adverse environmental impact, and, therefore, issues a Negative Declaration with respect thereto under the State Environmental Quality Review Act.

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

RESOLUTION NO. 109**ADOPT/LOCAL LAW NO. 1, 2015 POLICE REGULATION/TOWN CODE CHAPTER 10C / DISORDERLY OFFENSES**

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

RESOLVED, the Town Board hereby adopts proposed Local Law No. 1, 2015 (Exhibit 03-B-15), amending the Town Code to add a new Chapter 10C, entitled "Disorderly Offenses".

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

RESOLUTION NO. 110**APPROVE/STREET NAMING PRIVATE RD/PENNY LANE/PR**

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

WHEREAS, a minor three (3) lot subdivision of Orangetown Tax Lot Section 69.14 Block 2, Lot 5 was approved and constructed in the Hamlet of Pearl River; and

WHEREAS, the developer/owner of the property has the option to designate a private road name for the resulting three (3) lot subdivision; and

RESOLUTION NO. 110 - Continued

WHEREAS, Rockland County 911 Emergency Services requires that such roads with addressable structures be formally named, and the United States Postal Service requires numbered and named street addresses for mail delivery; and

WHEREAS, the naming of private roads will assist Emergency 911 personnel in the event of a response to an emergency situation at the address; and will aid the United States Postal Service in delivery of mail to homeowner thereupon; and

WHEREAS, the property developer/owner has requested that said private road be named Penny Lane; and

WHEREAS, the property developer/owner expressly acknowledges that the private road is not owned nor maintained by the Town of Orangetown; and

WHEREAS, the property developer/owner acknowledges that the Town of Orangetown has standardized requirements for street signs, and

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Orangetown hereby authorizes and directs that the private road consisting of Orangetown Tax Lot Section 69.14 Block 2, Lots 5.1, 5.2, and 5.3 shall be forever named and known as "Penny Lane" and all future maps depicting said area indicate the naming of this private road as "Penny Lane"; and authorizes and directs that any such street sign posted shall follow the Town of Orangetown Highway Department "Requirements for Street Sign Specifications".

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

Noes: None

RESOLUTION NO. 111**APPROVE/ENERGY CURTAILMENT
SPECIALISTS, INC./POWERPAY/NY
PROGRAMS**

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

WHEREAS, energy demand response programs, commonly known as "load shedding" agreements, enable owners of large backup electrical generators to get paid to run their generators to reduce local electrical demand during times of peak demand that might otherwise result in "brownouts" or very costly efforts on the part of the utility to meet peak demand; and

WHEREAS, demand response programs enable the electrical utility to avoid making costly upgrades to meet peak demand, upgrades that are ultimately paid for by the public rate payers and otherwise cause increased pollution; and

WHEREAS, a demand response program proposed for participation by the Town's sewer department would enable the Town to get paid to run its generators when these generators need to be "exercised" in order to ensure that they are in good operating condition and will be available in the event of an emergency; and

WHEREAS, the Town has considered various demand response vendors and has selected ECS-Energy Curtailment Specialists ("ECS"), believing it to be the most qualified, and best able to meet the Town's needs; and

WHEREAS, ECS has proposed a three-year agreement, that would net the town an estimated \$400,000 over the three year term;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Supervisor to execute any and all legal documents to enable the town to benefit from a demand response

RESOLUTION NO. 111 - Continued

program with ECS – Energy Curtailment Specialists, in order to obtain revenues while helping the local utility meet peak demand for electricity.

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

Noes: None

RESOLUTION NO. 112

**AMEND/RESOLUTION # 97-2015
DANIEL DUTHIE, ESQ./O&R RATE
INCREASE**

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

WHEREAS, by Resolution 97 of 2015, the Town Board approved the Town's participation as a intervening member of a Municipal Consortium, represented by Daniel Duthie, Esq., in a recently filed Orange & Rockland Rate case before the Public Service Commission, which resolution capped the cost of Mr. Duthie's legal services at \$5,000.00; and

WHEREAS, such resolution, as adopted, failed to address the additional pass through cost of expenses that might be required and incurred, as otherwise provided in the Duthie Retainer Agreement,

NOW, THEREFORE BE IT RESOLVED, that Resolution 97 of 2015, is hereby amended to permit the payment of the Town's pro rata portion of documented expenses, as incurred, not to exceed \$2,500.

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

Noes: None

RESOLUTION NO. 113

**RETAIN DANIEL DUTHIE, ESQ.
NEGOTIATE/COORDINATE/EXPEDITE
PURCHASE OF STREET LIGHTS**

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

WHEREAS, through the purchase of approximately 2700 streetlights located on and along the roads of Orangetown from O&R Utilities can obtain an electric delivery charge rate that is 75% less than the current rate, resulting in a 2-3 year payback period for the purchase; and,

WHEREAS, ownership of the streetlights positions the Town for further savings through a conversion of existing costly and dated lights with long-lasting LED bulbs, with attendant environmental benefits; and

WHEREAS, Daniel Duthie, Esq., has been engaged by other municipalities to negotiate the purchase of street lights from the local public utility, and has proposed to do so on behalf of the Town; and

WHEREAS, the Town Board has concluded that it is in the Town's best interests to retain Mr. Duthie to act on its behalf throughout the process, ,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Supervisor to execute an agreement with Attorney Daniel Duthie to conduct a financial and ROI analysis, and otherwise to represent Orangetown in all negotiations with O & R, and in subsequent related proceedings before the Public Service Commission, relating to the purchase

RESOLUTION NO. 113 - Continued

of the said street lights, on an hourly basis, in accordance with a Retainer Agreement annexed hereto and made a part hereof, which fee shall not exceed \$12,500.00.

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

Noes: None

RESOLUTION NO. 114**APPROVE/MARCH 2015/IRISH CULTURAL MONTH**

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

WHEREAS, Individuals of Irish descent have played an invaluable role in the history of the U.S., New York State and the Town of Orangetown, making contributions as writers, as business owners, artists, soldiers, musicians, athletes, educators, actors, politicians, doctors, scientists, lawyers, and every other profession, and;

WHEREAS, Irish Americans were among the early settlers of Orangetown bringing their skills as carpenters and farmers, and many immigrants from Ireland continue to arrive in Orangetown and make their homes in every hamlet in the Town, and;

WHEREAS, Irish Americans have contributed to the economic growth of Orangetown and continue to improve its economy by owning restaurants, construction firms, shops, law firms and other businesses, serving as teachers, clergy, business owners, police officers, and in other capacities, and;

WHEREAS, Irish American organizations such as the Gaelic Athletic Association, the Irish Cultural Society, and the Ancient Order of Hibernians have greatly contributed to the cultural life in Orangetown and Rockland, and;

WHEREAS, Irish Americans have influenced and served the Town of Orangetown government as Town Supervisors, Town Board members, Town employees, land use board members and as committee volunteers, and;

WHEREAS, The Rockland County Feis has since 2013 been held in the Town of Orangetown, attracting thousands of visitors from throughout the metro area, and;

WHEREAS, The Rockland County St. Patrick's Day Parade, the second largest such parade in New York State, has been held in Pearl River since 1974 to honor and celebrate Irish heritage and culture;

NOW THEREFORE BE RESOLVED, the Town Board declares March, 2015 to be Irish Cultural Heritage Month in the Town of Orangetown.

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

Noes: None

RESOLUTION NO. 115**APPROVE AGREEMENT/COMPUTEL CONSULTANTS/AUDIT FRANCHISE FEES AND UTILITY BILLS**

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

WHEREAS, pursuant to franchise agreements duly executed with Cablevision and Verizon, the Town is authorized to conduct periodic audits of the franchise fees paid by those public utilities to the Town thereunder; and

RESOLUTION NO. 117 - Continued

Robert Simon, Receiver of Taxes

and reappoint Rosemarie Fornario as clerk.

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

Noes: None

RESOLUTION NO. 118**APPROVE/SURPLUS EQUIPMENT**

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

RESOLVED, upon the recommendation of the Superintendent of Highways, declare the 1996 Volvo Dump/Spreader (4V5SABME7TR516217) surplus equipment available for auction:

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

Noes: None

RESOLUTION NO. 119**APPROVE/ASSOCIATION OF
TOWNS/ANNUAL HIGHWAY
SCHOOL**

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

RESOLVED, that permission is hereby granted for James J. Dean, Stephen F. Munno, J. Michael Dillon, and Karl Bohn to attend the Association of Towns Annual Highway School, Ithaca, NY, June 1-3, 2015 at a cost of \$1,352.00 to be charged to Account No. A5010.441 \$600, B8160.457 \$452, D5140.442 \$300.

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

Noes: None

RESOLUTION NO. 120**APPROVE SHOWMOBILE/NYACK
CHAMBER OF COMMERCE
SPRINGFEST**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Morr 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 the Nyack Chamber of Commerce for their Springfest on Sunday, April 12, 2015 at a rental cost of \$350.00 with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

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

Noes: None

RESOLUTION NO. 121**APPROVE/MATTHEW LENIHAN
COMPUTER OPERATOR/PERMANENT**

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

RESOLUTION NO. 121 - Continued

RESOLVED, upon the recommendation of Rockland County Personnel and the Human Resources Coordinator, appoint Matthew Lenihan to the position of Computer Operator, permanent, from list EL#14090, effective March 11, 2015.

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

Noes: None

RESOLUTION NO. 122**APPROVE/KENNETH M. TOMEO
SUPERVISOR/PARKING ENFORCEMENT**

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

RESOLVED, upon the recommendation of the Chief of Police, effective March 16, 2015, appoint Kenneth M. Tomeo, provisionally, to the position of "Supervisor of Parking Enforcement," in a part-time capacity, at the rate of pay of \$27.85 per hour, pending successful completion of a NYS civil service test and being certified for permanent appointment by the Rockland County Department of Personnel.

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

Noes: None

RESOLUTION NO. 123**PERMISSION GRANTED/POLICE
TRAFFIC CRASH & TRAFFIC
HOMICIDE INVESTIGATION**

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

RESOLVED, upon the recommendation of the Chief of Police, approve Sgt. Kirk Vega and PO Michael Taylor to attend the following courses at the New York State Police Academy, Albany, NY:

1. "At Scene Traffic Crash/Traffic Homicide Investigation" course on March 16-27, 2015, at a cost of \$3,130.00 to be charged to account B. 3120.408.16.
2. "Advanced Traffic Crash Investigation" course on April 6-17, 2015, at a cost of \$3,130.00 to be charged to account B. 3120.408.16.

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

Noes: None

RESOLUTION NO. 124**POLICE/ACCEPT/RESIGNATION -
RETIREMENT/ROBERT SMITH**

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

RESOLVED, accept with regret, the resignation/retirement of PO Robert Smith from the Orangetown Police Department effective January 31, 2015.

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

Noes: None

RESOLUTION NO. 125**POLICE/ACCEPT/RESIGNATION
RETIREMENT/GERALD BOTTARI**

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

RESOLVED, accept with regret, the resignation/retirement of Sgt. Gerald Bottari from the Orangetown Police Department effective February 28, 2015.

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

RESOLUTION NO. 126**POLICE/ACCEPT RESIGNATION -
RETIREMENT/GEORGE GARRECHT**

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

RESOLVED, accept with regret, the resignation/retirement of Det. Sgt. George Garrecht from the Orangetown Police Department effective March 21, 2015.

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

RESOLUTION NO. 127**APPROVE/SETTLEMENT
DISCIPLINARY PROCEEDINGS**

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

RESOLVED, that the Town Board approves the settlement of an open disciplinary proceeding in regards to Employee No. 1457 according to the terms of the Rockland County Police Act of 1936, as amended.

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

RESOLUTION NO. 128**POLICE REGULATIONS/NO
PARKING GUIDELINES/ST.
PATRICK'S DAY PARADE**

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

RESOLVED, that on March 22, 2015, for the Pearl River St. Patrick's Day Parade, there will be no parking from 12:00 AM until 6:00 PM on the following roads in the hamlet of Pearl River: Central Avenue from Railroad Avenue to Middletown Road; Middletown Road from Old Middletown Road to the Route 304 Overpass; Franklin Avenue from John Street to Railroad Avenue; and Crooked Hill Road from North Middletown Road to Dove Street.

BE IT FURTHER RESOLVED, that the Police Department is authorized to post appropriate signage relating to the temporary no parking restrictions.

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

RESOLUTION NO. 129**APPROVE/SEWER WORK/2015
CERTIFICATE OF REGISTRATION**

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

1. J.D. Backhoe Service, Inc., 3 Route 340, Orangeburg, NY 10962
2. TOBAR Excavating, Inc., 385 High Street, Norwood, NJ 07648
3. Ronald Filera Landscape Contractors LLC, 520 So. Pascack Road, Spring Valley, NY
4. Ronald J. Tarigo, 5 Crosscreek Lane, Stony Point, NY 10980
5. First Rate Landscaping & Construction, Inc., PO Box 1212, New City, NY 10956
6. Rooter Plumbing Hudson Valley, Inc., PO Box 1740, Pleasant Valley, NY 12569

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

RESOLUTION NO. 130**AUTHORIZE RFP / BATTING CAGES
VETERANS MEMORIAL PARK**

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

RESOLVED, that the Town Board authorizes the RFP for the Batting Cages to be circulated.

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

RESOLUTION NO. 131**ACCEPT/SMK HOME BUILDERS
PERFORMANCE BOND**

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

WHEREAS, pursuant to the Planning Board Decisions, PB#2013-28, PB#2014-15 and PB#2015-07, the Planning Board granted Final Subdivision Approval for the property located at 86 West Erie Street, Blauvelt, New York, Tax Lot 70.13 Block 1 Lot 21 and

WHEREAS, pursuant to said approvals, the Planning Board determined that the applicant must submit a Performance Bond to ensure the completion of certain public improvements in the amount of \$28,560.00 (Twenty Eight Thousand Five Hundred Sixty Dollars) which improvements are a condition of subdivision approval, and

WHEREAS, the applicant and owner of the property, SMK Home Builders, Inc. has submitted a fully executed Performance Bond dated February 26, 2015 with SMK Home Builders Inc. as the Obligor and the Town of Orangetown as Obligee, in the amount of \$28,560.00 (Twenty Eight Thousand five Hundred Sixty Dollars) and SMK Home Builders, Inc. has submitted a check in the amount of \$28,560.00 (Twenty Eight Thousand Five Hundred Sixty Dollars) payable to the Town of Orangetown as collateral for such Bond,

NOW THEREFORE IT IS HEREBY RESOLVED THAT, the Town hereby formally accepts, receives and files a Performance Bond from SMK Home Builders, Inc. in favor of the Town of Orangetown in the amount of \$28,560.00 (Twenty Eight Thousand Five Hundred Sixty Dollars) with respect to the SMK-Erie Subdivision located at 86 West Erie Street, Blauvelt, New York, Tax Lot 70.13 Block 1 Lot 21 and which Performance Bond requires completion of certain public improvements no later than March 10,2017, and

RESOLUTION NO. 131 - Continued

BE IT FURTHER RESOLVED THAT, the Town hereby formally accepts and receives the sum of \$28,560.00 (Twenty Eight Thousand Five Hundred Sixty Dollars) from SMK Home Builders, Inc. in the form of a check subject to collection, as collateral for said bond pursuant to the terms thereof.

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

RESOLUTION NO. 132**AUTHORIZE CONTRACT/GHD
ENGINEERS/ANALYZE FLOW DATA
FROM A SEGMENT OF THE
SANITARY SEWER SYSTEM-NYACK**

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

WHEREAS, in order to comply with the NYSDEC Order on Consent, executed on October 9, 2014, a flow analysis is required to be conducted, comparing flow data collected throughout segments of the Town's sanitary sewer system in Nyack before and after the rehabilitation of such segments; and,

WHEREAS the sanitary sewers in segment 12C were rehabilitated in 2014 and flow data was subsequently collected; and,

WHEREAS a Request for Proposals was prepared and disseminated by DEME, requesting proposals from various consulting engineering firms to perform the required analyses, and, upon review of the said proposals from companies of seemingly equal technical capabilities, DEME has recommended that the Town engage the services of GHD Engineering which, though several hundred dollars higher in price than the low proposer, is more conveniently located to the Town, will hold additional meetings, as required, and is otherwise familiar with the Town's sanitary sewer facilities,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves a contract with GHD Engineers to conduct a flow data analysis of certain sanitary sewer lines in Nyack in the amount of \$9,700.00, and authorizes the Commissioner of DEME or his designated representative to execute a contract in said amount.

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

RESOLUTION NO. 133**PERMISSION GRANTED/NYS CLERKS
CONFERENCE/CHARLOTTE MADIGAN**

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

RESOLVED, permission is granted to Charlotte Madigan, Town Clerk, to attend the NYS Town Clerks Conference, Rochester, New York, April 26-29, 2015 at a cost not to exceed \$1,600.00.

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

RESOLUTION NO. 134**ACCEPT/FILE/RECEIVE/TOWN
CLERK'S OFFICE**

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

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

1. Memorandum of Understanding with New York Sharks Aquatics, January 1, 2015 – December 31, 2015.
2. Orangeburg Library, 2015 Agreement, By-Laws, Certificate of Liability Insurance and Guidelines.
3. January 20, 2015 and February 3, 2015 Executive Session minutes; January 28, 2015 Regular Town Board Meeting/Executive Session minutes; and February 10, 2015 Regular Town Board Meeting minutes.
4. Ramapo Police Firing Range Agreement, dated 12/29/14.
5. Tappan Free Library, 2015 Agreement, By-Laws, Certificate of Liability Insurance and Guidelines.
6. Agreement with the Blauvelt Free Library, Blauvelt Free Library's By-Laws and Employment Policies (revised 5/1/2013).

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

RESOLUTION NO. 135**APPROVE/PROMOTION POLICE
SERGEANT/ MICHAEL BOYSA**

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

RESOLVED, promote Michael Boysa, from Rockland County civil service list # 13041, to the position of Police Sergeant/Town of Orangetown, effective March 4, 2015, at a salary consistent with the labor agreement between the Town of Orangetown and Orangetown PBA.

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

RESOLUTION NO. 136**APPROVE/PAYMENT/POLICE DRUG
TREND SYMPOSIUM**

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

WHEREAS, in response to the escalating problem of prescription and non-prescription drug use, particularly amongst the Town's youth, the Orangetown Police Department has proposed to co-sponsor with Wellcore, a nonprofit educational consulting company, a Drug Trend Symposium, on April 15th, at 7 p.m., at the Pearl River Hilton, which symposium will focus parents and students on the education and prevention programs available to schools, parents, law enforcement and governmental agencies in our community; and

WHEREAS, the Police Department has secured federal asset forfeiture funding for such event in the amount of \$7,000.00 from the New York/New Jersey HIDTA,

NOW, THEREFORE, BE IT RESOLVED, that the Town Police Department is hereby authorized to expend up to \$7,000.00 for the payment of costs associated with the said symposium.

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

RESOLUTION NO. 137**PERMISION GRANTED/HIGHWAY/2015
NYTOA TACTICAL CONFERENCE**

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 Chief of Police, approve Det. Sgt. James Sullivan and PO David Maddalena to attend the 2015 New York Tactical Training Conference and Expo in Verona, NY, 4/28/15 - 4/29/15 with a cost of \$1,260.00 to be charged to account B.3120.441.16.

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

RESOLUTION NO. 138**APPROVE AID/ FLYING DUTCHMEN
5K RUN/TAPPAN ZEE HIGH**

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

RESOLVED, that the Town Board hereby authorizes the Town of Orangetown Highway Department and Police Department to lend assistance which includes the use of barricades and (5) Auxiliary Police Officers, for the Tappan Zee High School Run, on Saturday, March 21, 2015 from 9:00 am to 10:00 am.

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

RESOLUTION NO. 139**ESTABLISH POSITION/DIRECTOR
OF AUTOMATED SYSTEMS**

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

RESOLVED, upon the recommendation of Rockland County Personnel and the Human Resources Coordinator, establish the position of Director of Automated Systems, Grade 21, Step 1 at a salary of \$85,631.00, effective December 15, 2014. The collective bargaining Agreement between the Town and the CSEA shall be amended to include the new position on Schedule A. (Exclusion List)

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

RESOLUTION NO. 140**APPROVE/ROCKLAND COUNTY
MOSQUITO CONTROL SERVICES
AND AUTHORIZE PAYMENT**

Under new business, Supervisor Stewart offered the following resolution, which was seconded by Councilman Troy 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

RESOLUTION NO. 140 - Continued

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 March 6, 2015, 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: Supervisor Stewart
Councilpersons Troy, Diviny, Morr, Valentine
Noes: None

RESOLUTION NO. 141**REAPPOINT/SENIOR CITIZEN
ADVISORY COMMITTEE**

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

RESOLVED, that the following are hereby reappointed as members to the Senior Citizen Advisory Committee for a one-year term:

Josephine Urban, Senior Leader	Kay Ferrara	Veronica Blaine
Shirley McGowan	Martha Mian	

and reappoint Rosemarie Fornario, Clerk

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

RESOLUTION NO. 142**REAPPOINT/SUBSTANCE ABUSE
COMMITTEE**

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

RESOLVED, that the following are hereby reappointed as members to the Substance Abuse Committee for a one-year term:

Scott Salmon	Jennifer Amos, TZHS Principal
Jim Andrews, CANDLE	Vicki Shaw, SOCASA
Sue Maher, SOCASA	Joanne Goodman, CANDLE
Stephanie Finucane	Det. Joe Sullivan
Christine Haggarty	Chief Kevin Nulty
Cpt. Donald Butterworth	

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

RESOLUTION NO. 143

APPOINT NEW MEMBERS/SUBSTANCE ABUSE COMMITTEE

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

RESOLVED, that the following are hereby appointed as members to the 2015 Substance Abuse Committee for a one-year term:

Michael Murphy, PRHS Principal Norma Canals, PRHS Social Worker
 Jean Horan, Rockland County DEA

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

Noes: None

RESOLUTION NO. 144

APPROVE/2014 BUDGET TRANSFERS AMENDMENTS

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

RESOLVED, the Town Board approves the following 2014 Budget Amendments/Transfers:

Account Number	Account Name	Increase	Decrease
E.2665	Sale of Equipment	5,500.00	
E.7250.200	Blue Hill - Capital	5,500.00	
To increase budget of Blue Hill equal to auction proceeds received			
A.2665	Sale of Equipment	10,359.50	
A.7110.200	Parks - Capital	10,359.50	
To increase budget of Parks equal to auction proceeds received			
TOTALS		31,719.00	

Budget Adjustment Request Form

Account Number	Account Name	Increase	Decrease
A.1355.011	ASSESSOR.PERMANENT STAFF	9,815.86	
A.1355.485	ASSESSOR.CERTIORARI EXPENSE	16,630.19	
A.1110.011	TOWN JUSTICE.PERMANENT STAFF		26,446.05
A.1410.011	TOWN CLERK.PERMANENT STAFF	2,570.82	
A.1410.455	TOWN CLERK.UTILITIES	2,715.21	
A.1110.011	TOWN JUSTICE.PERMANENT STAFF		5,286.03
A.1620.011	BUILDING MAINTENANCE.PERMANENT STAFF	1,579.27	
A.1110.011	TOWN JUSTICE.PERMANENT STAFF		1,579.27
A.1620.020	BUILDING MAINTENANCE.DOUBLE TIME	13,000.00	
A.1620.443	BUILDING MAINTENANCE.MAINTENANCE AGREEMENTS		1,900.00
A.1620.446	BUILDING MAINTENANCE.MTCE AND HOUSEKEEPING SUPPLIES		8,400.00
A.1620.447	BUILDING MAINTENANCE.VEHICLE OPERATION AND REPAIR		1,020.00

A.1620.452	BUILDING MAINTENANCE.EQUIPMENT REPAIRS		500.00
A.1620.453	BUILDING MAINTENANCE.PAINTING AND BUILDING REPAIRS		1,180.00
A.1440.011	ENGINEER.PERMANENT STAFF	14,391.41	
A.1110.013	TOWN JUSTICE.SEASONAL & PART TIME		14,391.41
A.1310.440.13	FINANCE.OFFICE SUPPLIES & PRINT.COMPUTER SUPPLIES	531.30	
A.1310.011	FINANCE.PERMANENT STAFF		531.30
A.1682.457	CENTRAL DATA.CONTRACTS W/OUTSIDE VENDORS	17,000.00	
A.1310.011	FINANCE.PERMANENT STAFF		17,000.00
A.1330.407	RECEIVER OF TAXES.ADVERTISING	2,500.00	
A.1330.440.01	RECEIVER OF TAXES.OFFICE SUPPLIES & PRINT	1,000.00	
A.1330.442	RECEIVER OF TAXES.POSTAGE	2,000.00	
A.1330.445	RECEIVER OF TAXES.BOOKS AND PUBLICATIONS	1,823.51	
A.1330.013	RECEIVER OF TAXES.SEASONAL & PART TIME		7,323.51
A.1682.011	CENTRAL DATA.PERMANENT STAFF	8,600.00	
A.1682.011	CENTRAL DATA.PERMANENT STAFF		1,200.00
A.3310.455	TRAFFIC CONTROL.UTILITIES		400.00
A.3310.457	TRAFFIC CONTROL.CONTRACTS W/OUTSIDE VENDORS		7,000.00
A.1682.457	CENTRAL DATA.CONTRACTS W/OUTSIDE VENDORS	9,200.00	
A.5010.013	SUPT. OF HIGHWAYS.SEASONAL & PART TIME		9,200.00
A.7110.011	PARKS.PERMANENT STAFF	13,000.00	
A.7110.300	PARKS.CAPITAL FACILITIES		13,000.00
A.7550.020	CELEBRATIONS.DOUBLE TIME	5,500.00	
A.7110.449	PARKS.CHEMICALS		5,500.00
A.7310.457	YOUTH RECREATION.CONTRACTS W/OUTSIDE VENDORS	30,000.00	
A.7310.013	YOUTH RECREATION.SEASONAL & PART TIME		30,000.00
A.7520.013	TOWN MUSEUM.SEASONAL & PART TIME	2,250.00	
A.7520.445	TOWN MUSEUM.BOOKS AND PUBLICATIONS		50.00
A.7520.446	TOWN MUSEUM.MTCE AND HOUSEKEEPING SUPPLIES		500.00
A.7520.455	TOWN MUSEUM.UTILITIES		600.00
A.7520.457	TOWN MUSEUM.CONTRACTS W/OUTSIDE VENDORS		600.00
A.7520.471	TOWN MUSEUM.TELEPHONE		500.00
A.7550.012	CELEBRATIONS.TIME & ONE HALF	2,800.00	
A.7550.457	CELEBRATIONS.CONTRACTS W/OUTSIDE VENDORS		2,800.00
	TOTALS	156,907.57	156,907.57

Budget Adjustment Request Form			
Account Number	Account Name	Increase	Decrease
E.7250.200	BLUE HILL GOLF COURSE.CAPITAL OUTLAY	7,000.00	

E.7250.444	BLUE HILL GOLF COURSE.RENTAL OF EQUIPMENT	4,000.00	
E.7250.013	BLUE HILL GOLF COURSE.SEASONAL & PART TIME		11,000.00
ER.7251.011	BROADACRES GOLF COURSE.PERMANENT STAFF	11,667.72	
ER.7251.200	BROADACRES GOLF COURSE.CAPITAL OUTLAY	332.00	
ER.9030.800	SS / MEDICARE.FRINGE BENEFITS		11,999.72
TOTALS		22,999.72	22,999.72

Budget Adjustment Request Form			
Account Number	Account Name	Increase	Decrease
G.8110.011	SEWER ADMINISTRATION.PERMANENT STAFF	11,050.00	
G.8110.012	SEWER ADMINISTRATION.TIME & ONE HALF	7,550.00	
G.8110.020	SEWER ADMINISTRATION.DOUBLE TIME	3,300.00	
G.8120.011	SEWER COLLECTION SYSTEM.PERMANENT STAFF	36,000.00	
G.8120.012	SEWER COLLECTION SYSTEM.TIME & ONE HALF	6,300.00	
G.8120.020	SEWER COLLECTION SYSTEM.DOUBLE TIME	7,500.00	
G.8120.457	SEWER COLLECTION SYSTEM.CONTRACTS W/OUTSIDE VENDORS		27,700.00
G.8121.463	INDUSTRIAL PRETREATMENT.LABORATORY TESTING		11,000.00
G.8130.011	SEWAGE TREATMENT PLANT.PERMANENT STAFF		17,000.00
G.8130.200	SEWAGE TREATMENT PLANT.CAPITAL OUTLAY		16,000.00
TOTALS		71,700.00	71,700.00

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

Noes: None

RESOLUTION NO. 145

FAILED/MORATORIUM /INDUSTRIAL PROJECT APPLICATIONS

Supervisor Stewart offered the following resolution, which was seconded by Councilman Diviny and on a roll call **FAILED**:

RESOLVED, the Town Board requests the Town Attorneys to draft moratorium legislation addressing shortcomings in the Town’s procedures and codes for handling industrial project construction applications, which shortcomings create potential hazards for both the public and the applicants, and which moratorium would apply to any non-vested project and be in compliance with all laws pertaining to the adoption of temporary moratoriums.

Ayes: Supervisor Stewart

Noes: Councilpersons Diviny, Troy, Morr, Valentine

RESOLUTION NO. 146**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 \$12,515,349.50.

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

Noes: None

RESOLUTION NO. 147**RE-ENTERED EXECUTIVE SESSION
PARKS DEPT PERSONNEL**

In attendance, at this Executive Session, were Supervisor Stewart, Councilmen Troy, Diviny, Morr, and Valentine, John Edwards, Teresa Kenny, Jeff Bencik, Jim Dean and Aric Gorton.

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

RESOLVED, at 9:25 p.m., the Town Board re-entered Executive Session to discuss the Park's Department personnel. Supervisor Stewart said no further votes will be taken.

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

Noes: None

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RESOLUTION NO. 148**RE-ENTERED 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 re-entered the Regular Town Board Meeting and adjourned, in memory of Mickey Reeves (age 16), Tappan; Patrick T. Shand, Pearl River; Anna Packer, Nyack; Archibald (Archie) Edward Morash, Pearl River; Florence Wagner, Nanuet; Joan Marie Cetrone, Piermont; Peter Friel, Nanuet; and Carol Danker, W. Nyack.

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

Noes: None

Charlotte Madigan, Town Clerk