

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, MARCH 25, 2014**

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

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

Also present: Charlotte Madigan, Town Clerk
Teresa Accetta-Pugh, Deputy Clerk
John Edwards, Town Attorney
Teresa Kenny, First Deputy Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Joseph Moran, Commissioner of DEME
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks and Recreation

The Town Board led the Pledge of Allegiance to the Flag.

The Town of Orangetown has won a 2013 Safe and Sustainable Snowfighting award from the Salt Institute for excellence in environmental consciousness and effective management in the storage of winter road salt. A study of highways in Snow Belt states showed that road salt reduces crashes by 88%. Only 90 local agencies in the U.S. and Canada received this recognition.

Joseph Moran, Commissioner of DEME, addressed the Town Board:
Good evening. I have proudly served as the Commissioner of the Department of Environmental Management and Engineering (referred to as DEME or the Sewer Department) since November of 2011. I am also the Town Engineer. I would like to address issues and concerns that were raised regarding the management and operations of DEME in a newsletter that was recently published by a Town Councilman, and describe the functions of this department.

Regarding the efficiency of the operation of the Treatment Plant, we have instituted several cost saving measures over the last two years saving money on water consumption and overtime. Additionally, we now design and manage smaller sized contracts with our in-house Engineering staff and perform many tasks with operational personnel saving the expenses of hiring Consulting Engineering firms and bidding contracts. Spending for the operation of the Treatment Plant and associated facilities decreased 1% from 2012 to 2013 and the approved budget for 2014 only increased 1% from 2013, which is below the 2% tax cap.

Regarding the fingerprint time clocks that were installed at the Treatment Plant in 2010 (approximately a year and a half before I started working for Orangetown), I have been told that they never functioned properly, and that they have been broken since 2010. To the best of my knowledge, these time clocks were not installed in several departments, only at the Highway Department and the Sewer Department. I had a brief conversation regarding their use with Supervisor Stewart last year, so I did not know that any Town Board member was considering their re-use. That would require the expense of repairing, and re-programming them. I would welcome input on a town wide policy regarding the use of the fingerprint time clocks.

There was a statement in the subject newsletter that The Rockland County Sewer District does not operate 24 hours a day. I do not know how that information was obtained since I was told by the Rockland County Sewer District that they always have at least two staff members manning their Treatment Plant 24 hours a day, and on two-off hour shifts there are actually three staff members at their Plant. Rockland County SD is also hiring two new Assistant Operators to reduce overtime costs. I discussed the option of hiring more Assistant Operators in January of 2012 at a meeting with Supervisor Stewart and Councilman Valentine. I requested new positions for an Assistant Operator and a Laborer in the 2014 budget to train future employees due to

pending retirements and to reduce overtime costs, and these positions were cut from the budget. The Town of Orangetown mans the Treatment Plant 24 hours a day (with two staff members during off hours) to test and monitor the operation and efficiency of the Treatment Plant, 47 pump stations and over 200 miles of sanitary sewers that comprises our collection system.

If a resident has a blockage in the middle of the night or anytime, a crew is dispatched to that location and the sewer line is flushed and inspected. If the Treatment Plant was not manned 24 hours a day, this critical service would no longer be provided to Town residents during evening and/or night hours which may result in more severe backups into homes. I will give you a copy of an e-mail recently sent by a homeowner praising the response to a recent sewage backup by one of our evening crews. This service is not related to the recent \$50 million upgrade that the newsletter alluded to.

Hi,

My washing machine in the basement was overflowing out the drain this evening.

Not what I wanted to deal with at 8:30PM after a long day at work...

When I removed the machines drain from the main drain to the street water came pouring in.

I figured it was 50/50 that the issue was with my pipe or the street drain itself.

So I called your office number as a long shot to ask if someone could take a look in the manhole outside my home before I called a plumber, and was pleasantly surprised to get someone on the phone.

He (Mark?) was very pleasant and shocked me when he said he would be here in 15 - 30 minutes to take a look.

He found that the manhole was full of water and said he would get the truck here ASAP.

About 30 minutes later the truck came, the guys were also very friendly, and they cleared up the issue.

A big thanks to the night crew for being so friendly and making a major headache disappear!

Many Thanks!

Jeff Madans

Regarding the retention of an outside management company to "run" the sewer department, this is an idea that has been mentioned many times over the years with some speculation that the private company, United Water may have an interest in "running" the Treatment Plant, so that they may reclaim processed effluent and sell it back to water customers. Any outside company's interests lie in making a profit for themselves and their stockholders. The interests of Orangetown DEME employees are to efficiently and effectively serve the residents of Orangetown. Over the last several months, a contractor broke a major sewer line while installing telecommunication facilities, another contractor dumped bricks down a sewer manhole while demolishing a building causing a major blockage, and Orange & Rockland had three gas mains interfering with Town work to eliminate a sewer backup. I compiled a record of all of these expenses to the Town, and in consultation and support from John Edwards, billed these three entities for a total re-imbursement to the Town in excess of \$26,000. All have agreed to pay and we have already received over \$15,000.00 in re-imbursements to date. I am quite certain that an outside company would not pursue these reimbursements with the same diligence as a Commissioner that is also an Orangetown taxpayer. There have also been previous discussions that maybe Rockland County Sewer District #1 should manage the Treatment Plant. The facts are that RCSD#1 charges Clarkstown and Ramapo residents an annual user fee that is higher than Orangetown's resident annual user fee (\$266) for the operation and maintenance of their Treatment Plant, Trunk sewer lines and pump stations. This fee does not include the maintenance of the sanitary sewer collection system in those respective Towns. Orangetown DEME operates and maintains the Town's Treatment Plant, 47 pump stations, and over 200 miles of the sanitary sewer collection system all for an annual resident user fee that is (\$211) lower than the County and includes service to the sanitary sewer collection system.

Additionally, the services provided by DEME for that one annual resident user fee includes Engineering services for Town wide capital projects entailing in-house design and construction management of infrastructure improvements to the Wastewater Treatment Plant, pump stations, the sewer collection system, review and oversight of the Oak Tree Road bridge replacement contract, the construction of new sidewalks on Oak Tree Road, sidewalk improvements on Central Avenue, review of plans and specifications prepared by consulting engineering firms, review of plans submitted to the Planning Board regarding stormwater management, providing records of Town infrastructure, addressing resident concerns regarding sewers and drainage and any other Engineering related matter with a staff of only 3 Engineers. Recently, the NYSDOT

approved DEME engineering staff to conduct the field inspection and construction management of the Central Avenue sidewalk improvement contract that will save Orangetown taxpayers \$80,000 in consulting engineering fees. DEME also services a diverse fleet of department vehicles plus vehicles from the Orangetown and Piermont Police Departments, the Orangetown Building Department, and Town Hall vehicles, for an approximate total of 120 vehicles, and services 45 generators at the pump stations and Treatment Plant with a staff of only 3 mechanics and a working mechanic supervisor. DEME also manages the town wide gas fueling system.

Regarding the Nyack sewer system, the subject newsletter mentions that Orangetown is financing approximately \$3 million in repairs that may not even reveal the cause of the overflows and that it would not harm the Town's interests to retain an outside agency to examine the system, the DEC demands and the extent and effectiveness of repairing the entire system. The Town is not financing \$3 million in repairs that may not even reveal the cause of the overflows. The Nyack sewer system has already been examined by DEME by televising the sewers, smoke testing (all done with in-house staff) and conducting a flow monitoring study in 2012 of our own volition in anticipation of future more stringent demands by the NYSDEC. There is no need to hire an outside agency to repeat this work. We found that groundwater infiltration is a primary cause of the overflows. We also already know that the DEC demands are to eliminate overflows at the Nyack pump station that was stated at a meeting in November of 2013 that I attended with my engineering staff and Supervisor Stewart. Ironically, at that meeting I suggested to the DEC that perhaps the Town should retain a consultant to prepare the report that they were requiring, and the DEC engineer stated that they prefer that the report be done in-house by DEME. After analyzing the data collected from the flow study and careful consideration of remedial options based on Engineering industry practices, our in-house Engineering staff and myself concluded that the overflows at the Nyack pump station should end after three segments (not the entire sewer system) of antiquated sewers were rehabilitated with the insertion of a liner that seals off the pipe joints that are now allowing heavy groundwater infiltration during significant rain events. We have proposed to perform this work utilizing a tried and proven method to reduce infiltration with an estimated cost of \$0.5 million in 2014, \$1 million in 2015 and \$1 million in 2016.

Funding for this work is available to NY counties that were recognized as victims of Hurricane Sandy. Rockland is eligible and the terms of these funds are that 25% will be a grant and the remaining 75% will be a 30 year no interest loan. Orangetown has already applied for these funds. This is not "dumping money into the sewer system" as mentioned in the newsletter. This is a viable solution to the problem at hand and an economical investment in our infrastructure that has been neglected for many years.

There seems to be a general misconception in the management of private industry versus the management of government. In private industry, there are many options available without restrictions such as staffing levels, investing in capital for long or short term profits, and diversifying or expanding the company, to mention a few. In government, you are given functions and tasks to perform with the resources at hand, and over the last several years challenged with maintaining the past level of service with fewer resources. We simply have to make it work. The men and women employed by the Department of Environmental Management and Engineering have been making it work since the Wastewater Treatment Plant opened in 1968. They are employees dedicated to the service of Orangetown and their community, many of whom are Town residents, volunteer firefighters and charity fundraisers.

In conclusion, I have always been available to answer any questions that the Town Board may have and will continue that practice as your Commissioner and Town Engineer. I thank you for your indulgence this evening.

Summary of Public Comments (RTBM):

Shirley Goebel Christie, thanked the Town Board for their consideration in appointing her to the Architecture and Community Appearance Board of Review (ACABOR).

Habib Hasan, Pearl River, asked why does Orangetown bear all of the Nyack Sewer System expenses.

Keith Brennan, President of CSEA and a 24 yr member of the workforce, said Councilman Valentine's newsletter is a total embarrassment to the employees of DEME. The employees have suggestions and ideas that they would like to discuss with the Town Board. He has reached out to the Board and has not heard back.

RESOLUTION NO. 156

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

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

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RESOLUTION NO. 157

**OPEN PH/\$2,225,000 SEWER DISTRICT
INCREASE & IMPROVEMENTS
RELINING REPLACEMENT/SLUDGE
PRESS/PUMP STATIONS**

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

RESOLVED that the 8:10 p.m. public hearing to consider approving the increase and improvement of the Orangetown Sewer District, consisting of re-lining, sewer replacement, sludge press improvements, pump station demolition and renovations to a pump station at an estimated cost of \$2,225,000 is hereby opened.

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

The Town Clerk presented the Affidavit of Publication, and the Notice of Posting; copies are labeled Exhibit 03-A-14 and made a part of these minutes.

Summary of Public comments:
Habib Hasan, Pearl River, said Nyack has their own budget and should pay for these costs.

RESOLUTION NO. 158

**CLOSE PH/\$2,225,000 SEWER DISTRICT
INCREASE & IMPROVEMENTS
RELINING REPLACEMENT/SLUDGE
PRESS /PUMP STATIONS**

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

RESOLVED, that the public portion is hereby closed.

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

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RESOLUTION NO. 159

**LEAD AGENCY/\$2,225,000 SEWER
DISTRICT/INCREASE &
IMPROVEMENTS/RELINING
REPLACEMENT/SLUDGE PRESS
PUMP STATIONS**

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

RESOLUTION NO. 159 - Continued

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

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

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RESOLUTION NO. 160

**SEQRA DECLARATION/\$2,225,000
SEWER DISTRICT/INCREASE &
IMPROVEMENTS/RELINING
REPLACEMENT/SLUDGE PRESS
PUMP STATIONS**

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

RESOLVED, that the Town Board hereby determines that the action being undertaken by the Board is a Type II action exempt from review under SEQRA, in that it involves the funding of the maintenance and/or repair of sewer facilities involving no substantial changes in an existing structure or facility (17 N.Y.C.R.R. § 617.5[c][1]), and the replacement, rehabilitation or reconstruction of a structure of facility, in kind, in the same locations not exceeding any threshold under § 617.4 of the SEQRA Regulations (17 N.Y.C.R.R. § 617.5[c][2]); *provided, however,* the Board further finds and determines that were this action to be subject to review under SEQRA, as an unlisted action, it would have no significant adverse environmental impact, in that the projects and funding approved will improve and upgrade the Town’s sewer system as required under DEC Consent Orders and regulations. Accordingly, were the action to be an unlisted action, the Board, acting as lead agency, would adopt a Determination of non-significance.

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

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RESOLUTION NO. 161

ADOPT PUBLIC INTEREST ORDER

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

In the Matter of the Increase and Improve- :
ment of the Facilities of Orangetown Sewer : PUBLIC INTEREST ORDER
District in the Town of Orangetown, :
Rockland County, New York :
_____ :

WHEREAS, the Town Board of the Town of Orangetown, Rockland County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of the Orangetown Sewer District in the Town of Orangetown, Rockland County, New York, consisting of sewer re-lining, sewer replacement, sludge press improvements, demolition of a pump station and renovations to a pump station; and

WHEREAS, at a meeting of said Town Board duly called and held on March 4, 2014, an order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of the facilities of the Orangetown Sewer District in said Town at a maximum estimated cost of \$2,225,000 and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Orangetown, New York, in said Town, on March 25, 2014, at 8:05 o'clock P.M., Prevailing Time; and

RESOLUTION NO. 161 - Continued

WHEREAS, said order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Orangetown, Rockland County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the improvement, to increase and improve the facilities of Orangetown Sewer District in the Town of Orangetown, Rockland County, New York, consisting of sewer re-lining, sewer replacement, sludge press improvements, demolition of a pump station and renovations to a pump station, at a maximum estimated cost of \$2,225,000.

Section 2. This order shall take effect immediately.

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

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RESOLUTION NO. 162

**AUTHORIZE ISSUANCE OF 2,225,000
SERIAL BONDS FOR INCREASE AND
IMPROVEMENT OF FACILITIES OF
ORANGETOWN SEWER DISTRICT**

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

BOND RESOLUTION DATED MARCH 25, 2014.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$2,225,000 SERIAL BONDS OF THE TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF ORANGETOWN SEWER DISTRICT IN THE TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an order dated March 25, 2014, said Town Board has determined it to be in the public interest to increase the facilities of Orangetown Sewer District in the Town of Orangetown, Rockland County, New York, at a maximum estimated cost of \$2,225,000; and

WHEREAS, it is now desired to provide funding for such capital project; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Orangetown, Rockland County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of the facilities of Orangetown Sewer District in the Town of Orangetown, Rockland County, New York, consisting of sewer re-lining, sewer replacement, sludge press improvements, demolition of a pump station and renovations to a pump station, there are hereby authorized to be issued \$2,225,000 serial bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid object or purpose is \$2,225,000 and that the plan for the financing thereof is by the issuance of the \$2,225,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution.

RESOLUTION NO. 162 – Continued

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Orangetown, Rockland County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. There shall be annually assessed upon all the taxable real property within said Orangetown Sewer District in the manner provided by law an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the Town.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution which takes effect immediately shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81 of the Local Finance Law.

Ayes: Councilperson Diviny, Troy, Valentine
Supervisor Stewart

Noes: None

Absent: Councilperson Morr

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RESOLUTION NO. 163**RESCHEDULE PH/AMEND TOWN CODE
VEHICLES & TRAFFIC (CHAPTER 39)
S SUMMIT ST/W CENTRAL AVE
DUREYA LANE/BRADL LANE/LESTER
ORANGEBURG RD/WESTERN HWY**

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

RESOLVED that the public hearing to consider a proposed Local Law that amends Chapter 39, Vehicles and Traffic of the Town Code is hereby rescheduled to April 22, 2014, 8 pm.

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

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RESOLUTION NO. 164**RESCHEDULE PH/AMEND TOWN
CODE FLOOD DAMAGE
PREVENTION CHAPTER 14B**

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

RESOLVED that the public hearing to consider a proposed Local Law that amends Chapter 14B, Flood Damage Prevention, of the Town Code is hereby rescheduled to April 22, 2014, 8:05 pm.

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

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RESOLUTION NO. 165**OPEN PH/ZONING LAW CHANGE
INDIVIDUAL FITNESS & TRAINING
CENTER/CONDITIONAL USE
COLUMCILLE INC (76.08-1-3 & 4)**

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

RESOLVED that the 8:20 p.m. public hearing to consider a Petition, from Columcille Inc., amending the Town Zoning Law, by adding "Individual Fitness and Training Center" as a Conditional Use, by the Planning Board in the "LIO" zoning district is hereby opened.

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

The Town Clerk presented the Affidavit of Publication, the Notice of Posting, letters from Rockland County Dept. of Planning and Orangetown's Planning Board; copies are labeled Exhibit 03-B-14 and made a part of these minutes.

Summary of Public comments:

Donald Brenner, Attorney for Petitioner, presented pictures of the planned center to the Town Board. He asked for approval before his client has to go back to the Planning Board.

RESOLUTION NO. 166

**LEAD AGENCY/ ZONING LAW
CHANGE INDIVIDUAL FITNESS &
TRAINING CENTER/CONDITIONAL
USE COLUMCILLE INC (76.08-1-3 & 4)**

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

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

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

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RESOLUTION NO. 167

**CONTINUATION PH/ZONING LAW
CHANGE INDIVIDUAL FITNESS &
TRAINING CENTER/CONDITIONAL
USE COLUMCILLE INC (76.08-1-3 & 4)**

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

RESOLVED that this public hearing to consider the Petition, from Columcille Inc., amending the Town Zoning Law, by adding “Individual Fitness and Training Center” as a Conditional Use, by the Planning Board in the “LIO” zoning district is hereby continued to April 8, 2014, 8:00 pm.

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

**TOWN OF ORANGETOWN
PROPOSED LOCAL LAW
AMENDING THE TOWN ZONING LAW
TO ADD “INDIVIDUAL FITNESS AND TRAINING CENTER”
AS A CONDITIONAL USE IN THE LIO ZONING DISTRICT**

Be it enacted as follows:

Section 1. Chapter 43, § 3.11 of the Town Code, The Table of General Use Regulations of the Town Zoning Law, shall be amended to add a new use to column 4, Conditional Uses by Planning Board use, in the LIO zoning district, to read as follows:

9. Individual Fitness & Training Center, as provided in Section 8.16.

Section 2. Chapter 43, § 3.12 of the Town Code, The Table of General Bulk Regulations of the Town Zoning Law, applicable to the LIO zoning district, shall be amended as follows:

- (i) Column 2, add Use Group “BB-1”, applicable to “Individual Fitness & Training Center”, which shall be added as a use to column 3.
- (ii) Columns 4 through 12, add the following, “Subject to regulations for Use Group “QQ” (LI district), except as specifically provided at § 8.16”.

Section 3. Chapter 43, Article VIII, of the Town Code shall be amended to add a new § 8.16 to read as follows:

8.16. Individual Fitness and Training Center.

Individual Fitness and Training Center is a conditional use in the LIO zoning district, subject to the Table of Bulk Regulations, Chapter 43 § 3.12 (Use Group “QQ”), and the

General Conditions and Standards set forth at Chapter 43, § 8.1, and the specific standards and conditions set forth herein.

Individual Fitness & Training Center, for purposes of this conditional use, is defined as a facility at which training and instruction is provided, either in an individual or group setting, for general physical fitness or for a specific sports skill in a fully supervised environment. The use does not include unsupervised exercise, such as provided in a Physical Fitness Studio.

In addition, the following specific standards and criteria shall apply:

- a. Noise. A public address system and/or other amplified noise shall be prohibited in connection with any outdoor use. The prohibition of amplified noise/sound shall be in addition to, not in replacement of, the Town's Noise Law found at Chapter 22.
- b. Lighting. If outdoor lighting is provided for the outdoor area of the Fitness and Training use (other than for parking and security), such lighting shall be turned off no later than 10:00 p.m., and shall otherwise be subject to footcandle and other such reasonable regulations as may be imposed by the Planning Board based on the proximity of the facility to adjacent properties. In addition, the applicable minimum required setback for the outdoor fitness area shall be double that otherwise required along the boundary line with any residential property.
- c. Access. Parcels approved for this conditional use shall have direct access from an improved state or county road.
- d. Parking. All parking areas and surfaces shall be paved, unless otherwise waived by the Planning Board. Minimum off-street parking for the Individual Fitness & Training Use shall be 1 space for each 300 square feet of gross floor area.
- e. Other Requirements. In addition to the special standards described above and the general standards for conditional uses as set forth herein, and as may be amended, the Planning Board may establish, as a condition of approval of such use, any other additional standards, conditions and requirements, relating to time, place and manner, including a limitation on hours of operation, as it may deem necessary or appropriate to promote the public health, and welfare and to otherwise implement the intent of this law.

Section 4. This law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION NO. 168

**REAPPOINT/ACABOR MEMBER
JACK MESSINA**

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

RESOLVED, that the Town Board hereby reappointed Jack Messina, to the Architecture and Community Appearance Board of Review (ACABOR), for a period of three years, beginning January 1, 2014 and expiring December 31, 2016.

Ayes: Councilperson Diviny, Supervisor Stewart
Councilpersons Troy, Valentine

Noes: None

Absent: Councilperson Morr

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RESOLUTION NO. 169

**REAPPOINT/ACABOR CHAIRMAN
JACK MESSINA**

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

RESOLUTION NO. 169 - Continued

RESOLVED that the Town Board hereby appointed Jack Messina Chairperson, of the Architecture and Community Appearance Board of Review (ACABOR), for a period of 1-year, commencing January 1, 2014 and expiring December 31, 2014.

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

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RESOLUTION NO. 170**APPOINT/ACABOR/ MEMBER
ANDREW ANDREWS/ 3 YR TERM**

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

RESOLVED, that the Town Board hereby appointed Andrew Andrews, to the Architecture and Community Appearance Board of Review (ACABOR), for a term of 3 years, beginning January 1, 2014 and expiring December 31, 2016.

Ayes: Councilpersons Troy, Diviny, Valentine
Noes: Supervisor Stewart
Absent: Councilperson Morr

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RESOLUTION NO. 171**APPOINT/ACABOR MEMBER
STEVEN SWEENEY/ REMAINDER OF
TERM OF ALEX DIMENA**

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

RESOLVED, that the Town Board hereby appointed Steven Sweeney, to the Architecture and Community Appearance Board of Review (ACABOR), beginning March 26, 2014 and expiring December 31, 2014 (filling the remainder of Alex Di Menna's term).

Ayes: Councilpersons Troy, Diviny, Valentine
Noes: Supervisor Stewart
Absent: Councilperson Morr

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RESOLUTION NO. 172**APPOINT/ACABOR MEMBER
DEBORAH STUHLWEISSENBURG**

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

RESOLVED, that the Town Board hereby appointed Deborah Stuhlweissenburg, to the Architecture and Community Appearance Board of Review (ACABOR), beginning March 26, 2014 and expiring December 31, 2016.

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

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RESOLUTION NO. 173**APPOINT/PLANNING BOARD
MEMBER/THOMAS WARREN**

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

RESOLVED that the Town Board hereby appointed Thomas Warren, to the Planning Board, beginning March 26, 2014 and expiring December 31, 2020.

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

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RESOLUTION NO. 174**REAPPOINT/ PLANNING BOARD
CHAIRPERSON/KEVIN GARVEY**

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

RESOLVED, that the Town Board hereby reappointed Kevin Garvey Chairman of the Planning Board, beginning January 1, 2014 and expiring December 31, 2014.

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

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RESOLUTION NO. 175**APPOINT/HISTORIC AREA BOARD
OF REVIEW (HABR) MEMBER
JOSEPH CHABOT/FILL REMAINDER
OF TERM**

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

RESOLVED, that the Town Board hereby appointed Joseph Chabot, to the Historic Area Board of Review (HABR), beginning March 26, 2014 and expiring December 31, 2016 (filling the remainder of Thomas Quinn's term).

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

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RESOLUTION NO. 176**REAPPOINT/HISTORIC AREA
BOARD OF REVIEW (HABR)
LARRY BUCCIARELLI**

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

RESOLVED, that the Town Board hereby reappointed Larry Bucciarelli, to the Historic Area Board of Review (HABR), beginning January 1, 2014 and expiring December 31, 2014.

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

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RESOLUTION NO. 177

**REAPPOINT/HISTORIC AREA
BOARD OF REVIEW (HABR)
MARGARET RASO**

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

RESOLVED, that the Town Board hereby reappointed Margaret Raso, to the Historic Area Board of Review (HABR), beginning January 1, 2014 and ending December 31, 2015.

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

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RESOLUTION NO. 178

**REAPPOINT/HISTORIC AREA
BOARD OF REVIEW (HABR)
THANO SCHOPPEL**

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

RESOLVED, that the Town Board hereby reappointed Thano Schoppel to the Historic Area Board of Review (HABR), beginning January 1, 2014 and ending December 31, 2016.

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

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RESOLUTION NO. 179

**REAPPOINT/HISTORIC AREA
BOARD OF REVIEW (HABR)
WAYNE GARRISON**

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

RESOLVED, that the Town Board hereby reappointed Wayne Garrison, to the Historic Area Board of Review (HABR), beginning January 1, 2014 and expiring December 31, 2017.

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

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RESOLUTION NO. 180

**REAPPOINT/HISTORIC AREA
BOARD OF REVIEW (HABR)
WALTER S.WHEATLEY**

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

RESOLVED, that the Town Board hereby reappointed Walter Scott Wheatley to the Historic Area Board of Review (HABR), beginning as of January 1, 2014 and expiring December 31, 2017.

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

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RESOLUTION NO. 181**REAPPOINT HISTORIC AREA
BOARD OF REVIEW (HABR)
WILLIAM WALTHER**

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

RESOLVED, that the Town Board hereby reappoints William Walther, to the Historic Area Board of Review (HABR), beginning as of January 1, 2014 and expiring December 31, 2017.

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

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RESOLUTION NO. 182**APPOINT/ZONING BOARD
THOMAS QUINN**

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

RESOLVED, that the Town Board hereby appointed Tom Quinn, to the Zoning Board (ZBA), beginning January 1, 2014 and expiring December 31, 2018. Said appointment is to fill the seat formerly held by Nanette Albanese whose term expired December 31, 2013.

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

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RESOLUTION NO. 183**REAPPOINT/ZONING BOARD (ZBA)
ALTERNATE MEMBER/LEONARD
FEROLDI**

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

RESOLVED that pursuant to Chapter 43, § 10.311, the Town Board hereby reappointed Leonard Feroldi to serve as an alternate member of the Zoning Board (ZBA). The alternate serves when there is a conflict of interest precluding participation by a regular member, or when a regular member shall otherwise be unable or unavailable to review, hear and determine an appeal. The appointment is for a period of 1-year, beginning January 1, 2014 and expiring December 31, 2014.

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

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RESOLUTION NO. 184**REAPPOINT/ZONING BOARD (ZBA)
CHAIRPERSON/DANIEL SULLIVAN**

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

RESOLVED that the Town Board hereby reappointed Daniel Sullivan, Chairperson of the Zoning Board, beginning 1, 2014 and expiring December 31, 2014.

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

RESOLUTION NO. 185**REAPPOINT/BOARD OF
ASSESSMENT REVIEW/ANN MARIE
HAHR**

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

RESOLVED, that the Town Board hereby reappointed Ann Marie Hahr to the Board of Assessment Review, beginning October 1, 2013 and to expiring September 30, 2018.

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

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RESOLUTION NO. 186**APPOINT/BOARD OF ASSESSMENT
REVIEW/MIKE BRYCELAND/FILL
REMAINDER OF TERM**

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

RESOLVED, that the Town Board hereby appointed Mike Bryceland to the Board of Assessment, beginning March 26, 2014 and expiring September 30, 2016 (Filling the remainder of Deborah Stuhlweissenburg).

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

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RESOLUTION NO. 187**APPOINT/TV ADVISORY COMMITTEE**

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

RESOLVED, that the Town Board hereby appointed the following people to the TV Advisory Committee:

David Chilson Kathleen Troy Maier David Bell
Jonathan Howard Anthony Bevelacqua
TZHS Faculty advisor or other designated representative

Each being proficient in video production, with the goal of promoting the production of video about local town and community programs and events for distribution on the Town's cable channels and other media:

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

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RESOLUTION NO. 188**REAPPOINT/COMMUNITY
DEVELOPMENT BLOCK (CDBG)
COMMITTEE/SR PEGGY
SCARANO/SR JUDE DEPALMA**

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

RESOLUTION NO. 188 - Contined

RESOLVED, that the following members are hereby reappointed to the Community Development Advisory Committee for CDBG Funding Applications for a one-year term ending December 31, 2014:

Sister Peggy Scarano and Sister Jude DePalma

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

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RESOLUTION NO. 189**REAPPOINT/ORANGETOWN PARKS
DEVELOPMENT ADVISORY
COMMITTEE**

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

RESOLVED, that the following members are hereby reappointed to the Orangetown Parks Development Advisory Committee for a one-year term ending December 31, 2014:

Watson Morgan
James Castagna
Anne Byrne

Mary McCloskey
Kimball Parker

Micki Leader
Brian Terry

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

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RESOLUTION NO. 190**REAPPOINT/SUBSTANCE ABUSE
COMMITTEE**

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

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

Bill Furdon, PRHS Principal
Jennifer Amos, TZHS Principal
Vicki Shaw, SOCASA
Sue Maher, SOCASA
Denise Zumpano
Stephanie Finucane
Cpt. Donald Butterworth

Scott Salmon
Jim Andrews, CANDLE
Gail McMorrow
Joanne Goodman
Christine Haggerty
Chief Kevin Nulty
Det. Joe Sullivan

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

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RESOLUTION NO. 191**REAPPOINT/TRAFFIC ADVISORY
BOARD/TOWN LIAISONS**

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

RESOLVED, that the following are hereby reappointed as members to the Traffic Advisory Board for a one-year term:

RESOLUTION NO. 191 - Continued

Paul Raso Margaret Warren Edith Loeb Robert Schelin
and

the following are hereby reappointed as Town Staff Liaisons to the Traffic Advisory Board for a one-year term:

Guy DeVincenzo, DEME	Mike Yannazzone, Highway
Robert Morrison, Bureau of Fire Prevention	PO Hugh Johnson
Thomas Edattel, DEME	Det. Sgt. James Sullivan
Robert Simon, Receiver of Taxes	

and reappoint Rosemarie Fornario as clerk.

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

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RESOLUTION NO. 192

REAPPOINT/BUREAU OF FIRE PREVENTION

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

RESOLVED, that the following are hereby reappointed as members to the Bureau of Fire Prevention for a one-year term:

Michael Bettmann	John Ahlf, Jr	Doug Sampath
Robert Morrison	Chris Flatley	Paul Raso

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

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RESOLUTION NO. 193

REAPPOINT/SHADE TREE COMMISSION

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

RESOLVED, that the following are hereby reappointed as members to the Shade Tree Commission for a one-year term:

Rebecca Gmucs	Mary Vail
Joy Macy	Laurie Peek

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

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RESOLUTION NO. 194

REAPPOINT/SENIOR CITIZEN ADVISORY COMMITTEE

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

RESOLUTION NO. 194 - Continued

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

Josephine Urban, Senior Leader	Judy Peakes	Mary Martini
Kay Ferrara	Veronica Blaine	Shirley McGowan
	Martha Mian	

and reappoint Rosemarie Fornario, Clerk

Ayes: Councilpersons Troy, Diviny, Valentine
Supervisor Stewart

Noes: None

Absent: Councilperson Morr

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RESOLUTION NO. 195

REAPPOINT/PROJECT REVIEW COMMITTEE

Supervisor Stewart 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 Project Review Committee for a one-year term:

John Giardiello, Director of OBZPAE as Chairman
 James Dean, Superintendent of Highways
 Bruce Peters, DEME
 Guy DeVincenzo, DEME
 Michael Bettmann, Fire Prevention
 Robert Magrino, Deputy Town Attorney

Ayes: Supervisor Stewart
Councilpersons Valentine, Troy, Diviny

Noes: None

Absent: Councilperson Morr

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RESOLUTION NO. 196

APPOINT/REAPPOINT/YOUTH RECREATION ASSESSMENT ADVISORY COMMITTEE

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

RESOLVED, that the following are hereby appointed:

Joe Onativia	Andy DiDomenico	Manny Larenas
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And the following are hereby reappointed to the Youth Recreation Assessment Advisory Committee for a one-year term:

Robert Iorio	William Lee	Bob De Rosa
Tom Morales	Kevin Powers	Chris O'Brien
Kerry Beckmann	Frank Payne	Alex Tencic
	Jim Walsh	

Ayes: Councilpersons Diviny, Troy, Valentine
Supervisor Stewart

Noes: None

Absent: Councilperson Morr

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RESOLUTION NO. 197

REAPPOINT/ORANGETOWN ENVIRONMENTAL COMMITTEE

Supervisor Stewart 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 Environmental Committee for a one-year term:

- | | | |
|---------------|--------------------|------------------|
| Alexis Starke | Rosemary Raccioppi | Fran Oldenburger |
| Peggy Kurtz | June Starke | Larry Soehnel |
| Martyn Ryan | Eve Millard | Anne Putko |
| Watson Morgan | Don Steinmetz | Deby Turner |
| Lawrence Vail | | Tom O'Reilly |

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

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RESOLUTION NO. 198

REAPPOINT/OFFICE OF EMERGENCY MANAGEMENT

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

RESOLVED, that the following are hereby reappointed as members of the Office of Emergency Management for a one-year term:

- | | |
|-----------------------------------------|----------------------------------------|
| PO Harold Johnson | John Giardiello, Director of OBZPAE |
| Captain Donald Butterworth | James Dean, Superintendent of Highways |
| Mike Yannazzone, Highway Dept. | Karen Jahnes, Highway Dept. |
| Paul Witte, Building Dept. | Peter Byrne, Orangetown Fire Chiefs |
| Robert Daly, Orangetown Fire Chiefs | Steve Harris, S Orangetown Ambulance |
| Maryanne Portoro, Pearl River Ambulance | |

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

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RESOLUTION NO. 199

CERTIFICATE OF REGISTRATION SEWER WORK 2014

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 2014 Sewer Work is approved to:

W. Harris & Son, Inc. 37 W. Washington Ave, Pearl River, NY

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

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RESOLUTION NO. 200

COMBINE ITEMS

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

RESOLVED that agenda items forty-four through forty-six are hereby combined.

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

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RESOLUTION NO. 201

**SHOW MOBILE/KEENAN FUND
RAISER/GERMAN MASONIC
GROUNDS**

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

RESOLVED, upon recommendation of the Superintendent of Parks and Recreation, use of the show mobile, by Keenan Strong, for the Billy Keenan Benefit, on Sunday May 4th, 2014 at a rental cost of \$350.00 with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured is hereby approved.

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

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RESOLUTION NO. 202

**SHOW MOBILE/ST THOMAS
AQUINAS HOUSE BAND SHOW**

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

RESOLVED, upon recommendation of the Superintendent of Parks and Recreation, use of the show mobile, by St Thomas Aquinas College, for the St Thomas Aquinas College House Band Show, on Tuesday April 1st, 2014, at a rental cost of \$350.00, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured is hereby approved.

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

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RESOLUTION NO. 203

**SHOW MOBILE/NYACK SPRINGFEST
STREETFAIR**

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

RESOLVED upon recommendation of the Superintendent of Parks and Recreation, the use of the Showmobile, by the Nyack Chamber of Commerce, for the Springfest Streetfair on Sunday April 13, 2014, at a rental cost of \$350.00 with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured is hereby approved.

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

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RESOLUTION NO. 204**PERMISSION GRANTED/BASIC
LABORATORY PROCEDURES
COURSE/DEME**

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

RESOLVED, upon recommendation of the Commissioner of DEME, permission is granted for Vincent Matthews to attend the Basic Laboratory Procedures Course at Morrisville State College, Morrisville, NY, from April 7-11, 2014, at a cost of \$1,200.00 and use of a town car; said amounts to be billed to Accounts G.8130.441 (\$575.00) course registration, and G.1440.480 (\$625.00) for lodging and travel expenses.

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

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RESOLUTION NO. 205**HIGHWAY ANNUAL OPEN HOUSE**

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

RESOLVED, that the Highway Department is hereby authorized to host their 18th Annual Open House, on Saturday May 17, 2014, from 10:00AM to 12:00Noon at the Highway Department Facility 119 Route 303 Orangeburg NY.

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

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RESOLUTION NO. 206**UNDERTAKING/NEW YORK STATE
DOT/WORK AFFECTING STATE
HIGHWAYS**

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

WHEREAS, the undersigned Town of Orangetown, hereinafter referred to as "Permittee" from time to time receives permits from the New York State Department of Transportation (hereinafter referred to as the "NYSDOT") and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, Permittee's access and operation upon state right-of-way is conditioned upon compliance with Highway Law Sections 52, 103, 203 and/or 234, including the conditions that Permittee assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee's operations, (b) complete restoration of state facilities to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses,

NOW, THEREFORE, in relation to all operations and/or actions undertaken within state right-of-way, Permittee hereby agrees to the following terms and conditions:

1. Permit Applications. Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such

RESOLUTION NO. 206 – Continued

application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration

2. Applicable Rules, Regulations & Conditions. Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.

3. Site Restoration. Permittee shall, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee. In the event that the Permittee fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Permittee, may restore the property to substantially the same or equivalent condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.

4. Payment & Release of Liens. Permittee shall be responsible for the payment of all costs and materials relating to its work in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all lien claims made by persons supplying services or materials to Permittee in connection with Permittee's work.

5. Indemnity. In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations, whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way associated with the Permittee's, activities or operations under any and all permits issued using this Undertaking.

FURTHERMORE, Permittee hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general operations.

This Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked by the Permittee or rejected by NYSDOT upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

RESOLVED, the Town of Orangetown agrees to the terms of the Undertaking For The Benefit Of The New York State DOT, In Connection With Work Affecting State Highways and hereby authorizes James Dean, Superintendent of Highways to execute said undertaking.”

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

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RESOLUTION NO. 207**APPROVE AGREEMENTS/NEW TURF
SOCCER FIELD/OMM**

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

RESOLVED, that upon the recommendation of the Town Attorney and Superintendent of Parks, Recreation & Buildings, and in furtherance of the License Agreement between the Town and the Orangetown Mighty Midgets Athletic Club, LLC (“OMM”), through which OMM is authorized to use and to improve the fields and other facilities at the Orangetown Soccer Complex, the Town Board hereby approves an Agreement between the Town and OMM (the “OMM Agreement”), permitting OMM to enter into a related Agreement with Sprinturf, LLC, a Georgia Limited Liability Company (“Sprinturf”), pursuant to which Sprinturf will install a new turf soccer field at the Orangetown Complex at the sole cost and expense of OMM, which field, upon completion, shall become the property of the Town. A copy of the OMM / Sprinturf Agreement is annexed to and made a part of the OMM Agreement; and

BE IT FURTHER RESOLVED, that the Supervisor or his designated representative shall be authorized to execute such Agreement with OMM.

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

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RESOLUTION NO. 208**APPROVE LICENSE AGREEMENT
O & R/USE OF A UTILITY POLE
SURVEILLANCE CAMERA/NYACK**

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

RESOLVED, that the Town Board hereby approves a License Agreement between the Town and Orange & Rockland Utilities, relating to the use of a utility pole for video surveillance purposes at an annual cost of approximately \$20.00, together with related installation and inspection costs.

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

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RESOLUTION NO. 209**PERMISSION GRANTED/BUDGETING
FOR LAW ENFORCEMENT
AGENCIES/POLICE**

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

RESOLVED, upon recommendation of the Police Chief, permission is granted for Det/Sgt. Michael Shannon to attend Budgeting for Law Enforcement Agencies at John H. Stamler Police Academy, Scotch Plains, NJ, from May 19th – May 20, 2014, at a cost of \$300.00.

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

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RESOLUTION NO. 210

AUTHORIZE PAY VOUCHERS

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

RESOLVED, the Finance Office is hereby authorized to pay vouchers for General Fund, Town Outside Village, Blue Hill, Broadacres, Highway, Sewer, Capital Projects, Risk Retention, and Special Parking Funds for a total amount of \$1,532,651.36.

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

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RESOLUTION NO. 211

**RE-ENTER RTBM/ADJOURNED
MEMORY**

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

RESOLVED, that the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of Dr. Alvin Baron, Pearl River; Agnes Theresa Hlawatsch, Pearl River; Michael A. McCormack, 40 yrs old, formerly of Pearl River; and Charles Nehrbass, Sr., Pearl River and a WWII Veteran, at 10:53 p.m.

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

Charlotte Madigan, Town Clerk