

TOWN OF ORANGETOWN1
REGULAR TOWN BOARD MEETING
TUESDAY, MAY 14, 2013

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

Councilman Denis Troy
Councilman Thomas Diviny
Councilman Thomas Morr
Councilman Paul Valentine (left at 9:30 p.m. for a family wedding)

Also present: Charlotte Madigan, Town 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
Robert Simon, Receiver of Taxes
Bert Von Wurmb, Building Dept.
Aric Gorton, Superintendent of Parks-Rec.

The Pledge of Allegiance to the Flag was led by Ben Roujansky (WWII veteran).

Highway Open House – Saturday, May 18, 2013, 10:00 a.m. – 12:00 p.m.

The Town Board presented a proclamation announcing the week of May 19-25, 2013, National Public Works Week in Orangetown.

The Summer Youth Employment Work Program awards went to Summit School students Edward Antonellis, Jesus Chavez, Richard Davis, Darin Emery, Brian Fisher, Malaysia Gardiner, Isaiah Lemelbaum, Christopher Melville, Samuel Ourlicht, Brandon Price, Donovan Ramses, Phillip Simon and Luis Viera for their hard volunteer work, in making the quality of life better in Orangetown. Summit School principal, Brant Goldsmith and Program Administrator, Cynthia Links were also in attendance.

Laurie Seeman, Sparkill Creek Watershed Alliance, was presented with the Steam Stewardship Award. Gerry Collins (Pearl River) and Janet Weber (Blauvelt) received the Community Clean-Up Awards and Tom Caputo, Christopher Coyle, Jim Dillon, Frank Paglioroli, Stephen Munno and Michael Yannazzone were awarded Highway Perfect Attendance.

Mike Yannazzone presented the 2012 Fred Hahn Highway Hero award to Jim Dean, Michael Aamodt, Michael Giebelhouse, and Joseph Italiano for their heroic efforts last October, during Superstorm Sandy.

Nick DeSantis and Domenick Consolo of O'Connor Davies LLP (Auditors) said the Town received the Certificate of Achievement for Excellence in Financial Reporting again. They explained that the Town's overall financial condition is currently in fair condition. The fund balances for General Fund, Town Outside Villages, the Sewer Fund, the Highway Fund, and the Debt Service Fund were all in excellent condition as of December 31, 2012. The golf courses continue to lose money but the Town has sufficient resources to handle their deficits.

Summary of Public Comments:

Mike Mandel, Pearl River, is against United Water's desalination plant. The Town Board needs to pass a resolution requesting an issue conference.

Habib Hasan, Pearl River, is very offended that Kathy Boudin is a Professor at Columbia University.

Margaret Morrone, Tappan, spoke about the negative health effects of the use of recycle glass as back-fill in trenches. She requested that recycled glass back-fill not be used on Lexington Road.

Jackie Shatz, Tappan, requested a resolution for an issue conference regarding the desalination plant.

Ben Roujansky, Orangeburg, invited everyone to the Walk Way of Hero's Memorial Day ceremony, Sunday, May 26th, at 10 a.m. He questioned the Town requiring a Hold Harmless Agreement from the Orangeburg Library.

Eileen Larkin, Palisades, asked what are the costs associated with Cortwood Village. She believes Ramapo is the cause for a desalination plant and an issue conference is needed.

Lise Chanin, Pearl River, is very distressed about the lack of consideration and the difficulty in getting building inspections, when she was rebuilding her home, after Superstorm Sandy. This was a stressful time for her family.

John Cantone, Pearl River, can not accept the lack of concern and disrespect the Building Dept. gave to Mrs. Chanin.

Tom O'Reilly, Pearl River, said the desalination plant costs will be a negative effect on Orangetown's financials. He supports a resolution for an issue conference.

Robert Tompkins, Pearl River and member of the Orangetown Housing Authority (OHA), spoke about many non-compliance issues with the OHA by-laws that are compromised under Mr. Whalen's leadership. He will be filing a complaint with the NY Division of Housing and Community Renewal.

Alexis Starke, Piermont, said there has not been enough transparency with regards to the desalination plant. She urged the Board to pass a resolution requesting an issue conference.

Carol LaValle, Tappan, also requested the Board for a resolution regarding the desalination plant.

Ann Putko, Piermont, supports a resolution for an issue conference regarding the desalination plant. She spoke about alternatives to use less water.

Larry Vail, Tappan, encouraged the Board for a resolution about the desalination plant and would like our leaders to let Albany know Orangetown does not agree with desalination.

Laurie Seeman, Sparkill Creek Watershed Alliance, said this is an opportunity to get the DEC and the health department involved with the desalination plant project. She requested the Board to pass a resolution for an issue conference.

Peggy Kurtz, Orangetown Environmental Committee, explained that the desalination DEIS authors do not use consistent methods and lack transparency. She is in favor of an issue conference.

RESOLUTION NO. 220

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

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

Noes: None

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RESOLUTION NO. 221

COMBINE AGENDA ITEMS

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

RESOLVED, that agenda items 1 through 5 are hereby combined.

Ayes: Councilmen Diviny, Troy, Morr
Supervisor Stewart

Noes: None

Absent: Councilman Valentine

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RESOLUTION NO. 222

AID-SHOWMOBILE/PIERMONT POLICE DEPARTMENT/PAL MUSIC FESTIVAL

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

Resolution No. 222 - Continued

RESOLVED, that upon the recommendation the Superintendent of Parks and Recreation, the use of the Showmobile, by the Piermont Police Department, for the Turning Point Piermont PAL Music Festival, on Monday, September 2, 2013, at a rental fee of \$350.00, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured is hereby approved.

Ayes: Councilmen Diviny, Troy, Morr
Supervisor Stewart
Noes: None
Absent: Councilman Valentine

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RESOLUTION NO. 223**AID-SHOWMOBIE/ROCKLAND
COUNTY AMERICAN LEGION
MIA/POW MEMORIAL**

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

RESOLVED, that upon the recommendation the Superintendent of Parks and Recreation, the use of the Showmobile, by the Rockland County American Legion, for the MIA/POW Memorial, on Saturday, September 21, 2013, at a rental fee of \$350.00, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured is hereby approved.

Ayes: Councilmen Diviny, Troy, Morr
Supervisor Stewart
Noes: None
Absent: Councilman Valentine

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RESOLUTION NO. 224**AID/MEMORIAL DAY PARADES
TAPPAN/PEARL RIVER**

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

RESOLVED, that upon the recommendation of the Superintendent of Highways, aid to American Legion Post 1271 (Tappan) and American Legion Post 329 (Pearl River), by providing barricades, for their respective Memorial Day Parades, on Monday, May 27, 2013 is hereby approved.

Ayes: Councilmen Diviny, Troy, Morr
Supervisor Stewart
Noes: None
Absent: Councilman Valentine

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RESOLUTION NO. 225**AID-SHOWMOBILE/CHANIN FAMILY
FUND**

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

RESOLVED, that upon the recommendation the Superintendent of Parks and Recreation and the Superintendent of Highways, the use of the Showmobile, by the Chanin Family Fund, for their A-Day event, on Saturday, June 1, 2013, at a rental fee of \$350.00 with the group providing a certificate of insurance listing the Town of Orangetown as additionally insured, and by providing 3 port-o-johns, (2 regular and 1 handicapped), 10 garbage barrels and 30 sets of barricades is hereby approved.

Ayes: Councilmen Diviny, Troy, Morr
Supervisor Stewart
Noes: None
Absent: Councilman Valentine

RESOLUTION NO. 226**AID/TAPPAN REFORMED CHURCH
CARNIVAL**

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

RESOLVED, that upon the recommendation of the Superintendent of Highways aid to the Tappan Reformed Church, by providing 10 trash cans, for their carnival event, May 9-11, 2013 is hereby approved.

Ayes: Councilmen Diviny, Troy, Morr
Supervisor Stewart
Noes: None
Absent: Councilman Valentine

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RESOLUTION NO. 227**LT. MORONEY
RESIGNATION/RETIREMENT**

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

RESOLVED, that the resignation/retirement of Lt. Moroney, from the Orangetown Police Department, effective January 12, 2014 or his twentieth anniversary, in the State and Local Police and Fire Retirement System, whichever is later, is hereby accepted.

Ayes: Councilmen Morr, Troy, Diviny
Supervisor Stewart
Noes: None
Absent: Councilman Valentine

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RESOLUTION NO. 228**APPROVE PROJECT GRADUATION
FUNDING**

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

RESOLVED, that upon the recommendation of the Director of Finance, Project Graduation funding is hereby approved as follows, to be charged to Account No. A4211457:

Tappan Zee High School:	\$1500.00
Pearl River High School:	\$1500.00
Nanuet High School:	\$ 750.00
Nyack High School:	\$ 750.00
Albertus Magnus HS:	\$ 200.00

Ayes: Councilmen Diviny, Troy, Morr
Supervisor Stewart
Noes: None
Absent: Councilman Valentine

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RESOLUTION NO. 229**CERTIFICATE OF REGISTRATION
2013 SEWER WORK**

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 Director of the Department of Environmental Management and Engineering, a Certificate of Registration for 2013 Sewer Work is approved to the following:

Resolution No. 229 - Continued

Belleville Landscaping, Inc., 84 North Route 9W, Conger, NY
 W. Harris & Son, Inc., 37 West Washington Ave., Pearl River, NY
 Pearl River Plumbing & Heating & Electric, Inc., 60-70 Dexter Plaza, Pearl River, NY
 Rooter Plumbing Hudson Valley, Inc., PO Box 1740, Pleasant Valley, NY
 Rino Paving & Construction, Inc., 20 Viola Road, Suffern, NY 10901
 Ross Brothers, Inc., 219 Railroad Ave., Northvale, NJ 07647

Ayes: Councilmen Diviny, Troy, Morr
 Supervisor Stewart

Noes: None

Absent: Councilman Valentine

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RESOLUTION NO. 230**AGREEMENT/ORANGETOWN
HOUSING AUTHORITY/PROPERTY
SERVICES/CORTWOOD VILLAGE**

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, the Town Board hereby approves an Agreement between the Town and the Orangetown Housing Authority, relating to certain property services at Cortwood Village.

Ayes: Councilmen Diviny, Troy, Morr
 Supervisor Stewart

Noes: None

Absent: Councilman Valentine

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RESOLUTION NO. 231**TAX CERTIORARI SETTLEMENT
CHRYSLER MOTORS/77.07-1-1**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign the Stipulation and Order and Judgment Reducing Assessments regarding the tax certiorari proceeding Chrysler Motors, Inc. v. Town of Orangetown, Tax Map designation 77.07-1-1, for the tax assessment years 2008 through 2012, for a total refund by the County of \$23,029, a total refund by the Town of \$93,432 and a total refund by the School District of \$270,046. Interest on the Town's liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town.

Ayes: Councilmen Morr, Troy, Diviny
 Supervisor Stewart

Noes: None

Absent: Councilman Valentine

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RESOLUTION NO. 232**AGREEMENT/CANDLE**

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

RESOLVED, that upon the recommendation of the Town Attorney, the Supervisor is hereby authorized to sign an agreement with CANDLE for 2013, in the amount of \$30,482.50.

Ayes: Councilmen Troy, Diviny, Morr
 Supervisor Stewart

Noes: None

Absent: Councilman Valentine

RESOLUTION NO. 233**JUSTIS LAW FIRM/CONTINGENT
FEE RETENTION AGREEMENT
CLARKSTOWN LANDFILL**

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

RESOLVED, that upon the recommendation of the Town Attorney, the Town Supervisor is hereby authorized to sign the Justis Law Firm "Contingent Fee Retention Letter Agreement for the Clarkstown Landfill" on the Town of Orangetown's behalf.

Ayes: Councilmen Troy, Morr, Diviny
Supervisor Stewart
Noes: None
Absent: Councilman Valentine

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RESOLUTION NO. 234**BROADACRES GOLF COURSE
PRIVATE MANAGEMENT/RFP**

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

RESOLVED, that the Supervisor is hereby authorized to distribute, mail and make available in the Town Clerk's Office, the RFP for private management of the Broadacres Golf Course.

Ayes: Councilmen Diviny, Troy, Morr
Supervisor Stewart
Noes: None
Absent: Councilman Valentine

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RESOLUTION NO. 235**PILOT AGREEMENT/RUSSO
DEVELOPMENT/155 CORPORATE
DRIVE, LLC (73.15-1-18)**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, the Supervisor is hereby authorized to sign the Payment in Lieu of Taxes Agreement regarding real property commonly know as 155 Corporate Drive, Orangeburg, NY (Tax Map Designation S/B/L 73.15-1-18), covering the tax assessment years 2014 through 2025 for a term of 12 years, subject to the approval of the Pearl River School District, the IDA and Russo Development, for the School District, State, County and Town taxes.

Ayes: Councilmen Morr, Troy, Diviny
Supervisor Stewart
Noes: None
Absent: Councilman Valentine

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RESOLUTION NO. 236**AGREEMENT/WORKFORCE
INVESTMENT BOARD OF
ROCKLAND COUNTY, INC.
NATIONAL EMERGENCY GRANT**

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

WHEREAS, the County of Rockland was awarded a National Emergency Grant from the U.S. Department of Labor to administer the storm clean-up program approved for the Town of Orangetown, and

Resolution No. 236 - Continued

WHEREAS, the County of Rockland has delegated its authority and authorized the Workforce Investment Board of Rockland County, Inc., a not-for-profit corporation, located at 2 New Hempstead Road, New City, New York, to act in its behalf with regard to this program, and

WHEREAS, the Town of Orangetown represents itself as being qualified and capable of providing services eligible for said grant, and

WHEREAS, the Town of Orangetown desires to enter into an agreement with the Workforce Investment Board of Rockland County, Inc. to provide said services to unemployed adults and/or dislocated workers in accordance with the eligibility requirements of the grant;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with the Workforce Investment Board of Rockland County, Inc., effective May 14, 2013 and terminating according to the terms of the agreement, to provide services eligible for the National Emergency Grant, said agreement having been reviewed by the Office of the Town Attorney from a legal standpoint.

Ayes: Councilmen Troy, Diviny, Morr
Supervisor Stewart

Noes: None

Absent: Councilman Valentine

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RESOLUTION NO. 237

**AGREEMENT/ROCKLAND COUNTY
FORFEITURE FUNDS/LAW
ENFORCEMENT**

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

RESOLVED, that upon the recommendation of the Police Chief, the Supervisor is hereby authorized to sign an agreement with Rockland County, regarding forfeiture of funds for law enforcement needs.

Ayes: Councilmen Diviny, Troy, Morr
Supervisor Stewart

Noes: None

Absent: Councilman Valentine

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RESOLUTION NO. 238

**AWARD BID/MOWING & MAINTENANCE
RPC TOWN OWNED PROPERTY
CREATIVE TOUCH LANDSCAPING**

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

WHEREAS, the Superintendent of Parks and Recreation, duly advertised for sealed bids for mowing and maintenance of the Town owned portions of the Rockland Psychiatric Center property, which were received and publicly opened on April 25, 2013; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet are labeled Exhibit 05-A-13, and made a part of these minutes.

NOW, THEREFORE, BE It RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation this bid is hereby awarded to Creative Touch Landscaping, Pearl River, NY, the only bidder. Services include mowing, and spring and fall clean ups for an annual price of \$16,900.00.

Ayes: Councilmen Diviny, Troy, Morr
Supervisor Stewart

Noes: None

Absent: Councilman Valentine

RESOLUTION NO. 239**ACCEPT/RECEIVE/FILE TOWN
BOARD MINUTES**

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

RESOLVED, that the April 9, 2013 Regular Town Board Meeting, Audit and Executive Session minutes; and the April 2, 2013 and the April 16, 2013 Executive Session minutes are hereby accepted, received and file in the Town Clerk's Office.

Ayes: Councilmen Diviny, Troy, Morr
Supervisor Stewart
Noes: None
Absent: Councilman Valentine

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RESOLUTION NO. 240**RECEIVE/FILE/DOCUMENTS TOWN
CLERK'S OFFICE**

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

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

1. Letter of Extension Agreement with The Noble Ninth, Inc. for the Town's Summer Day Camp, dated 3/14/13.
2. 155 Corporate Drive Site Plan, 155 and 40 Corporate Drive, Orangeburg, NY (73.15-1-18 and 73.19-1-1):
 - b. Restrictive Covenant – Parking - 40 Corporate Dr. (Rockland Cty Instr. No. 2013-11797)
 - c. Storm Water Maintenance Agreement (Rockland Cty Instr. No. 2013-11798)
3. DEME SPDES NY-0026051 April Monthly Report.
4. Tappan Free Library
 - a. 2013 Agreement
 - b. By-laws
 - c. Rules and Regulations
 - d. Annual Report to the NYS Education Department
 - e. Current IRS Form 990
 - d. Library's private source funds.

Ayes: Councilmen Diviny, Troy, Morr
Supervisor Stewart
Noes: None
Absent: Councilman Valentine

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RESOLUTION NO. 241**TOWN SERVICES/REIMBURSEMENT
GRAN FONDO BICYCLE RACE**

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

RESOLVED, that the Town Board hereby authorizes the Town Police, Highway and Parks Departments to lend assistance, including personnel and equipment, as may be required, to the sponsors/organizers of the 2013 Gran Fondo bicycle race event, to be held on May 19, 2013, as same passes through the Town of Orangetown, subject to, and conditioned on, the reimbursement of any costs incurred by the Town in connection therewith, and further subject to satisfaction of the Town's insurance and indemnification requirements.

Ayes: Councilmen Diviny, Troy, Morr
Supervisor Stewart
Noes: None
Absent: Councilman Valentine

RESOLUTION NO. 242**AMEND RESOLUTION NO. 515/2012
DROP-OFF CENTER FEE**

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

RESOLVED, that Resolution No. 515/2013 is hereby amended to read: that the 2013 Tentative Budget is hereby amended to charge a \$25.00 annual fee for the Drop-Off Center for any materials other than green waste. The first time using the Drop-Off Center is free.

Ayes: Councilmen Diviny, Troy, Morr
Supervisor Stewart
Noes: None
Absent: Councilman Valentine

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RESOLUTION NO. 243**APPOINT/SENIOR CLERK
STENOGRAPHER/HELEN WILSON**

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

RESOLVED, that upon the recommendation of the Superintendent of Highways, Helen Wilson is hereby appointed to the position of Senior Clerk Stenographer, (Grade 8, Step 3), permanent, from Rockland County Civil Service List #12068 (PROM), at a salary of \$47,453, effective May 14, 2013.

Ayes: Councilmen Morr, Troy, Diviny
Supervisor Stewart
Noes: None
Absent: Councilman Valentine

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RESOLUTION NO. 244**ENTERED AUDIT MEETING**

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

RESOLVED, that the Town Board entered the Audit Meeting at 9:50 p.m.

Ayes: Councilmen Diviny, Troy, Morr
Supervisor Stewart
Noes: None
Absent: Councilman Valentine

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RESOLUTION NO. 245**PAY VOUCHERS**

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

RESOLVED, that the Finance Office is hereby authorized to pay vouchers for the General Fund, Town Outside Village, Blue Hill, Broadacres, Highway, Sewer, Capital Projects, Risk Retention, and Special Parking Funds, in the amount of \$1,174,361.55.

Ayes: Councilmen Diviny, Morr, Troy
Supervisor Stewart
Noes: None
Absent: Councilman Valentine

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RESOLUTION NO. 246

**ENTER EXECUTIVE SESSION/POLICE
MANAGEMENT AND CSEA
CONTRACTS/ADJOURNMENT**

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

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

RESOLVED, that the Town Board entered Executive Session to discuss Police Management and CSEA contracts, at 10:00 p.m. Supervisor Stewart said no further votes will be taken after the Executive Session.

Ayes: Councilmen Diviny, Troy, Morr
Supervisor Stewart

Noes: None

Absent: Councilman Valentine

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RESOLUTION NO. 247

RE-ENTERED RTBM/ADJOURNMENT

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

RESOLVED, that the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of Parthena Theofanides, Pearl River, at 10:25 p.m.

Ayes: Councilmen Diviny, Troy, Morr
Supervisor Stewart

Noes: None

Absent: Councilman Valentine

Charlotte Madigan, Town Clerk