

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, MAY 15, 2012**

This Town Board Meeting was opened at 7:35 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

Also present: Charlotte Madigan, Town Clerk
John Edwards, Town Attorney
Teresa Kenny, First Deputy Town Attorney
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways
Stephen Munno, Sr. Administrative Assistant
Mike Yannazzone, Highway General Forman
Joseph Moran, Commissioner of DEME
Robert Simon, Receiver of Taxes
John Giardiello, Director of OBZPAE,
Aric Gorton, Superintendent of Parks-Rec & Building Maint.

Charlotte Madigan led the Pledge of Allegiance to the Flag.

Certificates of Recognition were presented to the Tappan Zee High School Boys' Varsity Basketball and Swim teams. The basketball team finished this year as League Champions, Section One Champions, Region Champions and New York State Finalists. The team members are Billy O'Shea, Joe Letizia, Luke McLaughlin, Patrick Peterson, Timmy Ehardt, Kyle Peterson, Brian McLaughlin, Kevin Dinnegan, Brendan Hauser, Brendan Donohue, Eric Casey with Head Coach, George Gaine and Assistant Coaches, Dan Linehan, Jim Gerosimo and Chris Rastelli.

The swim team finished as Rockland County Champions, Section One Champions, New York State Champions, All-Americans and New York State Championship Tournament Team Champions. The team members consist of Jack Carey, Lance Neuendorf, Mary McCloskey's grandson; Yong Hoon Jun, Kevin Schaub with Head Coach, Dan Rafferty, and Assistant Coaches, Ray Gaffney and Robert Neuendorf.

James Dean, Superintendent of Highways, presented the following awards:

Highway Hero Award: Larry Giannetta Larry observed a driver in distress. He stopped to help and because of his actions the man survived.
Highway Perfect Attendance Award: Tom Caputo and Michael Yannazzone
Highway Department Retiree: Steven Bello
Highway Department Promotions: Michael Catania, HMS II and Mike Dillon, HMS I
Road Master I Certification: Stephen Munno

Beautification Award: Kentucky Fried Chicken, Pearl River, Joseph Cavegn Owner and Janette Bachmeier, Landscaper; Adopt-A-Spot 5-Year Anniversary: Robin's Nest, Pearl River, Dottie Dean and Jeffrey and Lisa Chanin

The Summer Youth Employment Work Program

Debra Sherwood, Dean of Students and Brant Goldsmith, Principal of Summit School brought the following students to receive an award for their hard volunteer work, in making the quality of life in Orangetown better, over the past year.

Students:

Edward Antonellis	Jonathan Mangual	Donovan Ramses
Velval Bochner	Christopher Melville	Stephen Rock
Joseph Carlino	Kevin Pizzuti	Tereik Telfair
Richard Davis	Brandon Price	Alexis Vilceus

Summary of Public Comments:

Mike Mandel, Pearl River, opposes the Town's plan to build residential housing on part of RPC and he believes RPC should be developed as commercial.

Andrew Wiley, Pearl River, questioned the terms and appointments to the Orangetown Housing Authority.

Carol Baxter, Palisades, talked about the hazardous, dangerous conditions and accidents in the area of Oak Tree Road and Route 9W. She also spoke about the many meetings, including the ones with the previous Supervisor, Sen. Carlucci and Assemblywoman Jaffe, who all agreed that the area is dangerous to pedestrians.

Eileen Larkin, Palisades, asked for clarification of the status of the sidewalk plan. The community looks forward to a plan that is both economically feasible and will provide a safe environment.

Maria Gagliardi, Director of Palisades Library, supports the Oak Tree Road sidewalk project. Palisades is mostly residential and the Post Office, Library and Community Center are less than one city block apart. Sidewalks will have great impact for generations to come.

Robin Foley, Rt. 303 Business owner, has concerns regarding the redesign of Route 303. She requested a meeting with the DOT and the Town.

Diane Donnelly, Palisades, spoke about the need for sidewalks, wind caused by speeding vehicles and that the current repaving encourages speeding in the Oak Tree Road area.

Elijah Knyer, Palisades, has experienced diving into bushes and hugging fences to be safe from vehicles on Oak Tree Road. He is in favor of sidewalks.

Paul Papay, Palisades, requested approval of the current sidewalk plan and to give approval for the Highway Dept. to do most of the work. Tappan has received beautiful granite curves and pavers sidewalks. Palisades, also an historic district, deserves nothing less than Tappan.

Alice Gerard, Palisades and facilitator for the elderly said walking in the area of Oak Tree Road and Route 9W is very frightening because vehicles are fast and close to the edge. She is in favor of sidewalks.

Peter Feller, Palisades, is concerned about the size and look of the sidewalks. He insisted on a photo-shop picture to scale of the proposed sidewalks.

David Wolfe, Palisades, is a commuter and walks home from the bus. He is in favor of sidewalks because of the dangerous walking conditions along Oak Tree Road and Route 9W.

Alice Buchanan, Palisades, said people do not have the option of walking or accessing the bus stop in the Oak Tree Road/Rt. 9W area due to safety risks.

A Palisades resident, in his wheelchair, actually feels safer to travel on Route 9W to Washington Springs Road. He pointed out the glare from the sun and the ditch on the south side of Oak Tree Road. He is in favor of these safety issues being addressed now.

Henry Ottele, Palisades, lives on the corner and has seen many accidents; including the one where Jordon was killed. His wife was one of the first responders. He asked the Town Board to think about all families, especially Jordon's.

The Town Board and James Dean discussed the options and the next steps for the installation of sidewalks in the area of Oak Tree Road. and Route 9W.

RESOLUTION NO. 231

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

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

Noes: None

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RESOLUTION NO. 232

REAPPOINT/REV. LOUIS SANDERS/BOARD OF ETHICS

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

Resolution No. 232 - Continued

RESOLVED, that Reverend Louis E. Sanders is hereby reappointed to the Board of Ethics, for a 5-year term, expiring December 31, 2016.

Aye: Councilmen Troy, Morr, Diviny, Valentine
Supervisor Stewart
Noes: None

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RESOLUTION NO. 233**REAPPOINT/JOHN LUKENS/BOARD OF ETHICS**

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

RESOLVED, that John Lukens is hereby reappointed to the Board of Ethics, for a 5-year term, expiring December 31, 2016.

Aye: Councilmen Troy, Valentine, Diviny, Morr
Supervisor Stewart
Noes: None

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RESOLUTION NO. 234**REAPPOINT/DR. MARGARET MARY FITZPATRICK/BOARD OF ETHICS**

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

RESOLVED, that Dr. Margaret Mary Fitzpatrick is hereby reappointed to the Board of Ethics, for a 5-year term, expiring December 31, 2016.

Aye: Councilmen Morr, Valentine, Troy, Diviny
Supervisor Stewart
Noes: None

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RESOLUTION NO. 235**REAPPOINT/MICHAEL MANDEL/BOARD OF ETHICS**

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

RESOLVED, that Michael Mandel is hereby reappointed to the Board of Ethics, for a 5-year term, expiring December 31, 2016.

Aye: Councilmen Diviny, Troy, Morr, Valentine
Supervisor Stewart
Noes: None

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RESOLUTION NO. 236**REAPPOINT/THOMAS HYLAND BOARD OF ETHICS**

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

RESOLVED, that Thomas Hyland is hereby reappointed to the Board of Ethics, for a 5-year term, expiring December 31, 2016.

Aye: Councilmen Morr, Diviny, Troy, Valentine
Supervisor Stewart
Noes: None

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RESOLUTION NO. 237**REAPPOINT/PETER BYRNE
ORANGETOWN HOUSING
AUTHORITY**

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

RESOLVED, that Peter Byrne is hereby reappointed a member of the Orangetown Housing Authority, effective May 16, 2012 for a 5-yr term.

Aye: Councilmen Troy, Morr, Diviny, Valentine
Supervisor Stewart
Noes: None

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RESOLUTION NO. 238**APPOINT/ROBERT TOMPKINS
ORANGETOWN HOUSING
AUTHORITY**

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

RESOLVED, that Robert Tompkins is hereby appointed a member of the Orangetown Housing Authority, effective May 16, 2012 for a 4-yr term.

Aye: Councilmen Troy, Valentine, Diviny, Morr
Supervisor Stewart
Noes: None

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RESOLUTION NO. 239**APPOINT WALTER WETTJE
ORANGETOWN HOUSING
AUTHORITY**

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

RESOLVED, that Walter Wettje, Jr. is hereby appointed a member of the Orangetown Housing Authority, effective May 16, 2012 for a 2-yr term.

Aye: Councilmen Diviny, Valentine, Troy, Morr
Supervisor Stewart
Noes: None

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RESOLUTION NO. 240**REAPPOINT PAUL WHALEN
ORANGETOWN HOUSING
AUTHORITY**

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

RESOLVED, that Paul Whalen is hereby reappointed a member of the Orangetown Housing Authority, effective May 16, 2012 for a 1-yr term.

Aye: Councilmen Morr, Troy, Diviny
Noes: Councilman Valentine, Supervisor Stewart

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RESOLUTION NO. 241**RECOGNIZE TENANT REPS
ORANGETOWN HOUSING
AUTHORITY**

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

Resolution No. 241 - Continued

RESOLVED that Sharon Ogden and Patricia Brown are recognized as tenant representatives of the Orangetown Housing Authority, based on report of elections results. They were elected for a 2-yr term January 2012.

Aye: Councilmen Troy, Morr, Diviny, Valentine
Supervisor Stewart
Noes: None

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Supervisor Stewart said seven members are appointed to the Orangetown Housing Authority for a 5-year term with the terms being staggered. Somehow, the terms of expirations got off kilter and the Town Board needed to stagger the terms, so that each year we do not have more than one person's term ending. Jack O'Conner is currently serving on the Orangetown Housing Authority with his term expiring in 2014.

RESOLUTION NO. 242**REAPPOINT/APPOINT/VOLUNTEER
HEALTH ADVISORY BOARD**

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

RESOLVED, that the following members are hereby reappointed to the Volunteer Health Advisory Board:

Donna Alise – Piermont Fire Department
Paul Morer – Nyack Ambulance Corps
Maryanne Portoro – Pearl River Ambulance Corps

And the following members are hereby appointed to the Volunteer Health Advisory Board: Louis Irrizary – Pearl River Ambulance Corps; Glen Albin – South Orangetown Ambulance Corps; and Steve Harris – South Orangetown Ambulance Corps.

Liaisons: PO Hugh Johnson – OPD
Donna Marquis – Rockland Paramedics

Aye: Councilmen Troy, Valentine, Diviny, Morr
Supervisor Stewart
Noes: None

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RESOLUTION NO. 243**APPROVE AID/TEAM KJ
DUATHALON**

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

RESOLVED, that aid to the Team KJ Duathalon to be held October 7, 2012 in Pearl River, by providing 3 port-o-johns, 1 handicapped accessible is hereby approved.

Aye: Councilmen Diviny, Morr, Troy, Valentine
Supervisor Stewart
Noes: None

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RESOLUTION NO. 244**APPROVE NEW TOWN BOARD
MEETING CALENDAR**

Councilman Morr made a motion to change the meeting of September 11th because people maybe attending memorials. Not receiving a second motion to Councilman Morr's motion the original stands.

Resolution No. 244 - Continued

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

RESOLVED, the 2012 Town Board Meeting Calendar for Tuesdays is hereby amended as follows:

	05/08/12	Police Commission - Workshop
	05/15/12	RTBM/Audit
	05/22/12	Workshop
	05/29/12	RTBM/Audit
	06/05/12	Police Commission - Workshop
	06/12/12	RTBM/Audit
	06/19/12	Workshop
	06/26/12	RTBM/Audit
	07/17/12	Police Commission - Workshop
	07/24/12	RTBM/Audit
	08/14/12	Police Commission - Workshop
	08/21/12	RTBM/Audit
	09/04/12	Police Commission - Workshop
	09/11/12	RTBM/Audit
	09/18/12	Workshop
Monday	09/24/12	RTBM
	10/02/12	Police Commission – Workshop
	10/09/12	RTBM/Audit
	10/16/12	Workshop
	10/23/12	RTBM/Audit
Wednesday	11/07/12	Police Commission – Workshop
	11/13/12	RTBM/Audit
	11/27/12	Workshop
	12/04/12	RTBM/Audit
	12/11/12	Police Commission – Workshop
Wednesday	01/02/13	ReOrganizational/RTBM

Aye: Councilmen Troy, Diviny, Morr, Valentine
 Supervisor Stewart
 Noes: None

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RESOLUTION NO. 245

**SUPPORT/PROPOSED NYS DOT
 RTE 303/ERIE ST REDESIGN
 PROJECT**

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

Whereas the NYS Route 303 Sustainable Development Study recommended traffic and roadway improvements to the intersection of Route 303 and Erie Street and segment north and south of the intersection;

Whereas that segment of the Route 303 Corridor has experienced a 50% higher than expected incidence of traffic accidents according to the NYS DOT.

Whereas the current road layout requires motorists waiting for the CSX train to pass to sit in a travel lane on Route 303, an unsafe condition;

Whereas Route 303 lacks sidewalks on that segment of the Corridor but is still used by pedestrians;

Whereas NYS DOT has proposed a redesign of the intersection and roadway segment including a median, new striping, signalization, lane reconfiguration and landscaping to making it safer and more attractive for motorists, pedestrians, residents and abutting property and business owners;

Resolution No. 245 - Continued

Whereas NYS DOT has sought public input through a series of meetings over the course of two years and attempted to accommodate concerns expressed by the public;

Whereas NYS DOT has endeavored to minimize negative impacts on the current abutting property owners and businesses;

Be it resolved that the Town Board supports the proposed NYS DOT redesign project known as PIN 8502.19.

Aye: Councilmen Troy, Valentine, Diviny, Morr
 Supervisor Stewart
 Noes: None

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RESOLUTION NO. 246

AUTHORIZE SUPERVISOR SIGN/2012 AGREEMENT/OVERTIME COUNTER-TERRORISM TRAINING

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

RESOLVED, that the Supervisor is hereby authorized to sign the 2012 Agreement with Rockland County for Overtime for Counter-Terrorism Training.

Aye: Councilmen Valentine, Troy, Diviny, Morr
 Supervisor Stewart
 Noes: None

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RESOLUTION NO. 247

TAX CERTIORARI SETTLEMENT PEARL RIVER VETERANS, LLC.

Councilman Morr offered the following resolution, which was seconded by Councilman Troy 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 regarding the tax certiorari proceeding *Pearl River Veterans, LLC v Town of Orangetown, et al.*, Tax Map designation 73.10-1-4,5, for the tax assessment years 2009 through 2011, for a total refund by the County of \$10,303, a total refund by the Town of \$36,035 and a total refund by the School District of \$148,291. 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.

Aye: Councilmen Morr, Troy, Diviny, Valentine
 Supervisor Stewart
 Noes: None

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RESOLUTION NO. 248

TAX CERTIORARI SETTLEMENT JP MORGAN CHASE BANK

Councilman Troy offered the following resolution, which was seconded by Councilman Diviny 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 of Settlement and Judgment and Order regarding the tax certiorari proceeding *JP*

Resolution No. 248 - Continued

Morgan Chase v The Board of Assessors, et al., Tax Map designation 68-16-6-66.1,66.2, for the tax assessment years 2007 through 2011, for a total refund by the County of \$1,900, a total refund by the Town of \$6,877 and a total refund by the School District of \$28,148. 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.

Aye: Councilmen Troy, Diviny, Morr, Valentine
Supervisor Stewart
Noes: None

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RESOLUTION NO. 249**CERTIFICATE OF REGISTRATION
2012 SEWER WORK**

Councilman Troy 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 Director of the Department of Environmental Management and Engineering, a Certificate of Registration for 2012 Sewer Work is approved to the following:

- Monsey Excavating, Inc., 71 Montebello Commons Dr., Suffern, NY
- Victor P. Zugibe, Inc., 66 West Railroad Avenue, Garnerville, NY

Aye: Councilmen Troy, Valentine, Diviny, Morr
Supervisor Stewart
Noes: None

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RESOLUTION NO. 250**APPROVE AID/SHOWMOBILE
TRAVELING MAN BLUE GRASS
FESTIVAL**

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

RESOLVED, that the use of the Showmobile request of the Traveling Man Blue Grass Festival, for their event on Saturday, June 16, 2012 at a rental fee of \$350.00 with the user supplying the Town of Orangetown with a certificate of insurance listing such as additionally insured is hereby approved.

Aye: Councilmen Valentine, Diviny, Troy, Morr
Supervisor Stewart
Noes: None

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RESOLUTION NO. 251**APPROVE LICENSE AGREEMENT
VETERANS PARK CONCESSION
RICARDO CERDEIRA**

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

RESOLVED that the Town of Orangetown ("the Town") hereby consents to *Veterans Park Baiting & Food Corp.*'s ("the Assignor") assignment of its License Agreement, between the Town and the Assignor, dated January 2010, regarding the operation of the food and beverage concession (i.e., "snack shack") located at Veterans Memorial Park, Orangeburg, to Ricardo Cerdeira, or to a Limited Liability Company or Corporation that is majority-owned by Mr. Cerdeira ("the Assignee"). The Supervisor is hereby authorized and directed to execute all

Resolution No. 251 - Continued

necessary legal papers, including, but not necessarily limited to, an Assignment and Assumption of License Agreement, which legal papers shall be in substance and form satisfactory to the Town Attorney, and which shall also be executed by both the Assignor and the Assignee.

Aye: Councilmen Morr, Valentine, Troy, Diviny
Supervisor Stewart
Noes: None

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RESOLUTION NO. 252

**APPROVE SUBMISSION/HOME RULE
REQUEST/STATE OWNED LANDS
ROCKLAND PSYCHIATRIC CENTER
ROCKLAND CHILDREN'S
PSYCHIATRIC CENTER**

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

RESOLUTION APPROVING SUBMISSION OF HOME RULE REQUEST, RELATING TO THE SALE TO THE TOWN OF STATE OWNED LANDS ON, OR OTHERWISE COMPRISING A PART OF, THE ROCKLAND PSYCHIATRIC CENTER OR THE ROCKLAND CHILDREN'S PSYCHIATRIC CENTER

WHEREAS, the Town Board believes that the successful economic development of the Town owned lands formerly a part of the Rockland Psychiatric Center with an appropriate mix of compatible commercial, residential and other uses, all in accordance with a comprehensive plan of development, requires that the Town have the ability to acquire and control other state owned lands that may be surplus by, and become available from, the State in the vicinity of the Rockland Psychiatric campus; and

WHEREAS, special legislation has been drafted for submission to both the N.Y.S. Assembly and N.Y.S. Senate that would facilitate such sale by the State,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Orangetown hereby approves the submission of a home rule request for the enactment of special state legislation, in the form of Assembly Bill A 10009 and Senate Bill S 7170, entitled "AN ACT authorizing the transfer of certain state lands in the Town of Orangetown"; and it is further

RESOLVED, that the Town Supervisor and Town Clerk are authorized to execute and transmit all documents that may be necessary to effectuate this home rule request.

Aye: Councilmen Diviny, Valentine, Troy, Morr
Supervisor Stewart
Noes: None

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RESOLUTION NO. 253**ENTERED AUDIT**

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

RESOLVED, that the Town Board entered the Audit Meeting at 10:03 p.m.

Aye: Councilmen Troy, Diviny, Morr, Valentine
Supervisor Stewart
Noes: None

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RESOLUTION NO. 254**PAY VOUCHERS**

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

Resolution No. 254 - Continued

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 \$1,238,129.76..

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

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RESOLUTION NO. 255**ENTER EXECUTIVE SESSION
PBA CONTRACT**

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

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

RESOLVED, that the Town Board entered Executive Session to discuss the PBA contract at 10:15 p.m.

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

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RESOLUTION NO. 256**RE-ENTERED RTBM
ADJOURNMENT/MEMORY**

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

RESOLVED, that the Town Board re-entered the Regular Town Board Meeting and adjourned, in memory of Jessica Rodriguez, Tappan; Thomas A. Moore, Pearl River; and Daniel McGrory, Pearl River, at 10:38 p.m.

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

Charlotte Madigan, Town Clerk