

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, JUNE 11, 2013**

This Town Board Meeting was opened at 7:35 p.m. Supervisor Stewart presided and the Town Clerk called the Roll. Present were:

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

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
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks-Rec.

The Pledge of Allegiance to the Flag was led by Charlotte Madigan.

Summary of Public Comments:

Henry Jodry, Tappan, spoke about the constant extremely noisy base disco type music during the 2-day Polish Festival at the Masonic grounds. He asked for noise limits to be activated.

David Fitzgerald, Pearl River, spoke about the speeding and heavy traffic, causing dangerous situations on Center St. He has gone before the Traffic Advisory Board and asked for a solution.

Kerry Baker, Pearl River, is concerned about everyone's safety, because of the speeding traffic, in a school zone on Center St.

Mike Mandel, Pearl River, asked why there weren't any emails or telephone messages sent out about the burglaries in Pearl River and Blauvelt. He asked if the Town received reimbursement from the Gran Fondo Bicycle Race.

Eileen Larkin, Palisades, likes the street sign at Oak Tree and Route 9W. She asked for details regarding the Police Management contracts.

Thomas Prisco, Pearl River, commented that he did not receive a response to his email and said the burglaries information should have been sent to the media.

RESOLUTION NO. 274

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, Diviny, Morr
Supervisor Stewart
Noes: None
Absent: Councilman Troy

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RESOLUTION NO. 275

**AID/AMERICAN CANCER SOCIETY
RELAY FOR LIFE**

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

Resolution No. 275 - Continued

RESOLVED, that aid to the American Cancer Society, Relay for Life, to be held on June 14-15, 2013 at the Central Avenue field, by providing barricades and trash barrels and four port-o-sans (3 regular and 1 handicapped) is hereby approved.

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

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RESOLUTION NO. 276**COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items 3 threw 7 are hereby combined.

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

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RESOLUTION NO. 277**REAPPOINT FRED CHADWICK/2-YR
TERM/SANITATION COMMISSION**

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

RESOLVED, that the Town Board hereby reappoints Fred Chadwick to serve as a member of the Orangetown Sanitation Commission for a 2-year term, said term to commence on June 1, 2013 and expire on May 31, 2015. Although Fred Chadwick is presently a holdover member of the Commission, whose previous 5-year term expired on December 21, 2004, the 2-year appointment under this resolution is made to stagger the terms of the 5 member Commission in accordance with the provisions of Town Code § 17B-15.

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

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RESOLUTION NO. 278**REAPPOINT BILL BECKMAN/3-YR
TERM/SANITATION COMMISSION**

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

RESOLVED, that the Town Board hereby reappoints Bill Beckman to serve as a member of the Orangetown Sanitation Commission for a 3-year term, said term to commence on June 1, 2013 and expire on May 31, 2016. Although Bill Beckman is presently a holdover member of the Commission, the 3-year appointment under this resolution is made to stagger the terms of the 5 member Commission in accordance with the provisions of Town Code § 17B-15.

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

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RESOLUTION NO. 279**REAPPOINT THOMAS SIMETI/4-YR
TERM/SANITATION COMMISSION**

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

RESOLVED, that the Town Board hereby reappoints Thomas Simeti to serve as a member of the Orangetown Sanitation Commission for a 4-year term, said term to commence on June 1, 2013 and expire on May 31, 2017. Although Thomas Simeti is presently a holdover member of the Commission, whose previous 5-year term expired on December 31, 2005, the 4-year appointment under this resolution is made to stagger the terms of the 5 member Commission in accordance with the provisions of Town Code § 17B-15.

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

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RESOLUTION NO. 280**REAPPOINT CHARLES (SKIP)
VEZZETTI /5-YR TERM/SANITATION
COMMISSION**

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

RESOLVED, that the Town Board hereby reappoints Charles (Skip) Vezzetti to serve as a member of the Orangetown Sanitation Commission for a 5-year term, said term to commence on June 1, 2013 and expire on May 31, 2018. Although Charles (Skip) Vezzetti is presently a holdover member of the Commission, whose previous 5-year term expired on December 31, 2006, the 5-year appointment under this resolution is made to stagger the terms of the 5 member Commission in accordance with the provisions of Town Code § 17B-15.

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

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RESOLUTION NO. 281**APPOINT CHARLES (SKIP) VEZZETTI
TO 1-YEAR TERM /CHAIRPERSON
SANITATION COMMISSION**

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

RESOLVED, that the Town Board hereby appoints Charles (Skip) Vezzetti to serve as Chairperson of the Orangetown Sanitation Commission for a 1-year term, said term to commence on June 1, 2013 and expire on May 31, 2014.

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

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RESOLUTION NO. 282**AUTHORIZE TOWN ATTORNEY/NY
GENERAL MUNICIPAL LAW 207-C
REIMBURSEMENT SUMS**

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

RESOLVED, that the Town Attorney, pursuant to NY General Municipal Law Section 207-c(6) is hereby authorized to pursue an action in a court of competent jurisdiction against all

Resolution No. 282 - Continued

appropriate parties for reimbursement of sums expended by the Town pursuant to NY General Municipal Law Section 207-c, for injuries sustained by police officers in the performance of their duties for an incident that occurred on August 20, 2011, Orangetown Police Incident No. 2011-19074

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

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RESOLUTION NO. 283**POLICE CHIEF/KEVIN NULTY
EMPLOYMENT AGREEMENT**

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

RESOLVED, that the employment agreement between the Town of Orangetown and Chief Kevin Nulty for the period January 1, 2011 through December 31, 2014 is hereby approved.

Ayes: Councilmen Morr, Valentine
Supervisor Stewart
Noes: Councilman Diviny
Absent: Councilman Troy

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RESOLUTION NO. 284**POLICE CAPTAIN/ROBERT
ZIMMERMAN/EMPLOYMENT
AGREEMENT**

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

RESOLVED, that the employment agreement between the Town of Orangetown and Captain Robert Zimmerman for the period January 1, 2011 through December 31, 2014 is hereby approved.

Ayes: Councilmen Morr, Valentine
Supervisor Stewart
Noes: Councilman Diviny
Absent: Councilman Troy

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RESOLUTION NO. 285**POLICE CAPTAIN/DONALD
BUTTERWORTH/EMPLOYMENT
AGREEMENT**

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

RESOLVED, that the employment agreement between the Town of Orangetown and Captain Donald Butterworth for the period January 1, 2011 through December 31, 2014 is hereby approved.

Ayes: Councilmen Morr, Valentine
Supervisor Stewart
Noes: Councilman Diviny
Absent: Councilman Troy

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RESOLUTION NO. 286**APPOINT POLICE MATRON
HEATHER WANAMAKER**

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

RESOLVED, that upon the recommendation of the Police Chief, Heather D. Wanamaker is hereby appointed to the position of Police Matron, part-time, in the Police Department, at the hourly wage of \$25.00 per hour, effective June 12, 2013.

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

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RESOLUTION NO. 287**APPOINT POLICE MATRON
MARIE AVALLONE**

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

RESOLVED, that upon the recommendation of the Police Chief, Marie E. Avallone is hereby appointed to the position of Police Matron, part time, in the Police Department, at the hourly wage of \$25.00 per hour, effective June 12, 2013.

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

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RESOLUTION NO. 288**PERMISSION GRANTED/NY WATER
ENVIRONMENT ASSOC SEMINAR**

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

RESOLVED, that upon the recommendation of the Commissioner of DEME, permission is hereby granted to Ken Skibinski to attend the New York Water Environment Association Annual Meeting seminar in Syracuse, NY, from June 3-5, 2013, at a cost of \$829.99, said amount to be billed to Accts. G.8110.441 (\$375.00 conference registration) and G.8110.480 (\$454.00 for travel expenses).

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

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RESOLUTION NO. 289**ADOPT 2014 BUDGET CALENDAR**

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

WHEREAS, Article 8 of the Town Law of the State of New York provides for a budget system for a Town and the Town Board wishes to set up a budget schedule as provided in Article 8 of the Town Law by designating various dates to implement the 2014 budget; Now, Therefore, Be It

RESOLVED, that the following dates are hereby set as official dates of the Town of Orangetown for the submission and adoption of the budget as required by law:

JUNE 25, 2013: Last date for department heads to submit a capital budget for 2014, as well as a capital improvement plan for the period 2014 through 2018;

Resolution No. 289 - Continued

JULY 9, 2013: Last date for department heads to submit estimate of 2014 operating revenues and expenditures to Supervisor with the estimates submitted in such form and containing such information as the Supervisor shall prescribe;

BETWEEN SEPTEMBER 3rd and SEPTEMBER 17th, 2013: The Town Board shall endeavor to meet with department heads and amongst themselves to discuss the budget prior to the filing of the budget by the Supervisor;

SEPTEMBER 17, 2013: Last day for each ambulance and paramedic district, and South Orangetown libraries to submit an estimate of revenues and expenditures, as well as audited financial statements;

SEPTEMBER 24, 2013: Last day for the supervisor to file with the Town Clerk the tentative budget and budget message for 2014, and the estimates and schedules of the various administrative units;

SEPTEMBER 24, 2013: At a meeting of the Town Board at 7:30 P.M. at Town Hall, Orangeburg, New York, the Town Clerk shall distribute to the Town Board the 2014 Tentative Budget for the Town and publish it on the Town's web site;

OCTOBER 8, 2013: Last day for each fire district to submit to the Town Clerk the proposed 2014 budget and notice of public hearing on the 2014 budget for public review and inclusion on the Town's website;

OCTOBER 15, 2013: Public hearing date for all fire district budgets (third Tuesday in October by State law);

OCTOBER 22, 2013: Public hearing date to amend Town Code, Chapter 34, Taxation-Property Tax Cap Override (2%) Tax Levy Limit -Fiscal Year 2014.

OCTOBER 22, 2013: Last day for the Town Board to complete review of Tentative Budget and file the Preliminary Budget with the Town Clerk who will publish it on the Town's web site;

OCTOBER 22, 2013: Town Clerk is directed, within seven (7) days, to publish said Preliminary Budget and post a notice of public hearing, as required by law, on said Preliminary Budget, to be held on November 12, 2013, which notice includes the salaries of the Town Board and the Town Clerk and a public hearing on tax cap override, if necessary;

OCTOBER 29, 2013: If necessary at 8:00 p.m. continuation of Public Hearing to amend Town Code, Chapter 34, Taxation-Property Tax Cap Override (2%) Tax Levy Limit-Fiscal Year 2014.

NOVEMBER 12, 2013: At 8:00 p.m. a public hearing on the Preliminary Budget shall be held at Town Hall, Orangeburg, New York. At the conclusion of the hearing, the Town Board may by resolution adopt a final budget, either accepting or amending the Preliminary Budget and said budget may become the legally adopted budget for the Town of Orangetown for the year commencing January 1, 2014;

NOVEMBER 19, 2013: Legal deadline for budget adoption and submittal of approved fire district budgets to the Town Finance Director who will publish the budgets on the Town's web site.

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

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RESOLUTION NO. 290**ACCEPT/RECEIVE/FILE TOWN
BOARD MINUTES**

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

RESOLVED, that the May 14, 2013 Regular Town Board/Audit Meeting and the May 14, and May 21, 2013 Executive Session minutes are hereby accepted, received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 291**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. Glengarry Estates, Sgt. DeMeola Road, Orangeburg, - Original Deed (Rockland County Instr: 2013-7008).
2. Blauvelt Library - 2013 Agreement, Bylaws, Rules and Regulations, NYS Education report, IRS Form 990 and list of private source funds.
3. Orangeburg Library - 2013 Agreement, Bylaws, Rules and Regulations, NYS Education report, IRS Form 990 and Letter indicating the library did not receive private source funds and Minutes of the Board of Trustees, dated 5/13/13.

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

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RESOLUTION NO. 292**ESTABLISH POSITION OF HUMAN
RESOURCES COORDINATOR
(TOWNS)**

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

RESOLVED, that the position of Human Resources Coordinator (Towns), a competitive position in the New York State Civil Service, is hereby established in the Town of Orangetown, at a salary range of between \$72,385.00 and \$116,478.00, and the Supervisor or his designated representative is hereby authorized to take such further steps, and to execute such additional documents, as may be required to effectuate this resolution.

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

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RESOLUTION NO. 293**APPOINT (PROVISIONALLY) DONNA
MORRISON/HUMAN RESOURCES
COORDINATOR**

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

Resolution No. 293 - Continued

RESOLVED, that Donna Morrison is hereby appointed provisionally to the position of Human Resources Coordinator, at an annual salary of \$79,672.00, effective June 12, 2013.

Ayes: Councilmen Diviny, Morr
Supervisor Stewart
Noes: Councilman Valentine
Absent: Councilman Troy

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RESOLUTION NO. 294

**APPROVE/TERMINATION
EMPLOYEE NO. 1403/FULL PAY
§ 10.1.4 OF THE LABOR AGREEMENT
BETWEEN THE TOWN AND CSEA**

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

WHEREAS, Article 10 of the Labor Agreement between the Town and the Local CSEA provides that a covered employee who suffers a compensable work related injury or illness shall be entitled to leave with full pay for the entire period of his or her absence (§ 10.1.1), provided, however, that such leave with full pay may be withheld or terminated “if the appointing authority determines that the injury or disease is of such nature as to permanently prevent the employee from performing the duties of his or her position” (§ 10.1.4); and

WHEREAS, Employee No. 1403 has been periodically absent from work for extended periods since December 7, 2004, when he first suffered a compensable work related injury, and, most recently, has been continuously absent and completely unable to perform any of the duties of his position since on or about June 16, 2012, now fully one year, with no estimate or other indication from him or from his treating physician as to when, if ever, he will be able to return to work and be capable of performing the duties of his job; and

WHEREAS, by letter dated May 15, 2013, Employee 1403 was notified that the Town Board, as appointing authority, intended to meet to consider the nature and status of his injury and whether to invoke the provisions of § 10.1.4, inviting him to appear and to provide medical documentation, testimony or any other information or documentation he deemed relevant to assist the Board in making its determination; and

WHEREAS, on May 28, 2013, at an Executive session of a Regular Town Board Meeting, the Town Board met with the Employee and the head of his Department and considered the nature and present status of his injury, at which time the Employee was unable to tell the Board when, if ever, he would be able to return to work capable of performing the duties of his position; and

WHEREAS, the Town Board has been informed that even during the intermittent periods when the Employee was able to return to work following the occurrence of his work related injury, he was limited in the tasks he was able to perform, never being able to fully perform the duties of his position, all to the detriment of the efficient and effective operation of his Department; and

WHEREAS, based on all of the information that it has received, including but not limited to the statements of the Employee, the periodic notes provided by his physician over the last one year period, and the nature of the work related responsibilities and duties of the Employee’s position, the Board has determined that Employee 1403’s injury is of such a nature as to permanently prevent him from performing the duties of his position,

NOW, THEREFORE, BE IT RESOLVED, pursuant to § 10.1.4 of the Labor Agreement between the Town and the CSEA, the Town Board hereby terminates further leave with full pay for Employee No. 1403, effective immediately.

Resolution No. 294 - Continued

This determination is not intended to, and shall not, alter or affect any benefit to which Employee may be entitled under the provisions of the N.Y.S. Workers' Compensation Law.

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

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RESOLUTION NO. 295**AID/PEARL RIVER LITTLE LEAGUE**

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, the Highway Department is hereby authorized to provide barricades to the Pearl River Little League for a series of events in June and July, dates to be determined.

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

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RESOLUTION NO. 296**PAY VOUCHERS**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Diviny 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 \$1,687,734.46.

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

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RESOLUTION NO. 297**ENTER EXECUTIVE SESSION
ALIENATION BROADACRES GOLF
COURSE/PARKLAND**

In attendance, at this Executive Session, were Supervisor Stewart, Councilmen Diviny, Morr, and Valentine, Charlotte Madigan, John Edwards, Jeff Bencik, James Dean, and Aric Gorton.

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 Alienation of Broadacres Golf Course as parkland, at 8:28 p.m.

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

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RESOLUTION NO. 298**RE-ENTERED RTBM**

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

Resolution No. 298 - Continued

RESOLVED, that the Town Board re-entered the Regular Town Board Meeting at 8:40 p.m.

Ayes: Councilmen Diviny, Morr, Valentine
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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RESOLUTION NO. 299

**TOWN BOARD/LEAD AGENCY
STATE ENVIRONMENTAL QUALITY
REVIEW ACT/ALIENATION OF
TOWN OWNED PARKLANDS
(BROADACRES GOLF COURSE)**

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

WHEREAS, in connection with the Town's contemplated redevelopment of the Town owned lands formerly a part of the Rockland Psychiatric Center, the Town Board has determined that it is in the overall public interest to make a Home Rule Request, seeking special state legislation discontinuing (alienating) the use of certain Town owned lands as parklands in order to make them available for future economic development; and

WHEREAS, the said parkland, shown as Tax Lot 74.05-1-1 on the Tax Map of the Town of Orangetown, consists of approximately 64.8734 acres and presently comprises, and is used as, the Broadacres Golf Course; and

WHEREAS, the Town Board has identified other nearby lands of equal, or near equal, size, constituting a part of Tax Lot 73.12-1-3.1 on the Tax Map of the Town of Orangetown, to designate as compensating parklands as part of the alienation process; and

WHEREAS, the alienation process is subject to review under the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Town Board is the only Involved Agency in the alienation process,

NOW, THEREFORE, BE IT RESOLVED, that the Town hereby declares itself to be Lead Agency for purposes of environmental review of the proposed action.

Ayes: Councilmen Diviny, Morr, Valentine
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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RESOLUTION NO. 300

**ADOPT/NEGATIVE DECLARATION
ALIENATION OF TOWN OWNED
PARKLANDS (BROADACRES GOLF
COURSE)**

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

WHEREAS, the Town Board has determined that it is in the overall public interest to seek Home Rule legislation, discontinuing (alienating) the use of certain Town owned lands, presently comprising the Broadacres Golf Course, as parklands in order to make them available for future economic development; and

WHEREAS, by resolution of even date herewith, the Town Board has declared itself to be Lead Agency under the State Environmental Quality Review Act ("SEQRA") in connection with the proposed action; and

Resolution No. 300 - Continued

WHEREAS, the Town Board, acting in its capacity as Lead Agency, has carefully considered the proposed action, including the proposed designation of an equal or near equal amount of compensating parklands in close proximity to the lands sought to be alienated; and

WHEREAS, the Town Board has further reviewed and considered the Full Environmental Assessment Form prepared by the Director of the Town Office of Building, Zoning Planning and Enforcement, detailing the type, nature and magnitude of the impacts that might result from the proposed alienation, as well as a previous Draft Environmental Impact Statement (“DGEIS”) prepared in connection with a 500 + unit age restricted development proposed immediately adjacent to the lands sought to be alienated; a copy is labeled Exhibit 12-C-06, and made a part of these minutes and

WHEREAS, the Town Board has further considered the Town’s Comprehensive Plan, and the Town’s Rockland Psychiatric Center Redevelopment Plan, both of which contemplate, as potential uses for the Town owned lands formerly a part of the Rockland Psychiatric Center, commercial and light industrial uses, among others; and

WHEREAS, having carefully considered all of the above and other documents, and having taken a hard look at all of the potential environmental impacts that might result from the proposed action, the Town Board has concluded that there will be no significant environmental impacts or effects caused or occasioned by the discontinuance of the parkland status of the said lands, and the designation of compensating parklands in and along Lake Tappan,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board issues a Determination of Non-significance with respect to the referenced action in the form annexed hereto, and authorizes the Town Supervisor, or his designated agent, to execute and circulate same as may be required, and to take such other and further steps as may be necessary to discharge the Town Board’s responsibilities as Lead Agency in accordance with the applicable provisions of law.

Ayes: Councilmen Diviny, Valentine, Morr
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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TOWN OF ORANGETOWN

**STATE ENVIRONMENTAL QUALITY REVIEW
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

June 11, 2013

Lead Agency:

The Town Board of the Town of Orangetown
Orangetown Town Hall
26 Orangeburg Road
Orangeburg, New York 10962

This Notice is issued pursuant to Part 617 of the implementing regulations of Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant effect on the environment.

Title of Action :

Town of Orangetown - Alienation of Parklands (Broadacres Golf Course)

SEQR Status :

Type 1 Action

Description of the Action :

The proposed action consists of the alienation of approximately 64.8743 acres of existing, Town owned parklands, presently being used as a 9-hole golf course, and replacing such alienated lands with compensating lands of equal, or near equal, size in and along and adjacent to nearby Lake Tappan, on which a walking trail with other amenities will be constructed.

The lands sought to be alienated were purchased from the State, in 2003, as part of a larger parcel of surplus State owned property on the campus of the Rockland Psychiatric Center, specifically for redevelopment, to include not only additional recreational amenities, but, more importantly, economic development as well.

Approximately 41+ acres already have been developed into state of the art athletic fields. The proposed Lake front walking trail would fill an alternative, passive recreational need, allowing the 9-hole golf course – which is surplus to a larger 27-hole Town owned golf course located less than 1-mile away – to be included for use in the Town’s economic redevelopment plan.

Location:

The proposed action relates to Town-owned property located on lands formerly a part of the Rockland Psychiatric Center, between Convent Road to the north and Old Orangeburg Road to the south, consisting of Tax Lot Tax Lot 74.05-1-1 (Broadacres Golf Course) and a portion of Tax Lot 73.12-1-3.1 on the Tax Map of the Town of Orangetown.

**REASONS SUPPORTING
THIS DETERMINATION****I. Documents and Studies**

In reaching its determination, among other things, the Town Board has considered the Full Environmental Assessment Form prepared by the Director of the Town Office of Building, Zoning Planning and Enforcement, detailing the type, nature and magnitude of the impacts that might result from the proposed alienation, as well as a previous Draft Environmental Impact Statement (“DGEIS”) prepared in connection with a 500 + unit age restricted development proposed immediately adjacent to the lands sought to be alienated.

The Town Board has further considered the Town’s Comprehensive Plan, and the Town’s Rockland Psychiatric Center Redevelopment Plan, both of which contemplate, as potential uses for the Town owned lands formerly a part of the Rockland Psychiatric Center, commercial and light industrial uses, among others.

II. Familiarity with the Site

The members of the Town Board are also generally familiar with the location of the proposed action, including its proximity to the nearby roadways as well as other development in the area.

It is further aware of the financial drain that the existing golf course has been on the Town’s overall operations, and the possible use that can be made of such lands as part of the Town’s overall redevelopment plan for the Rockland Psychiatric Center area, now being actively pursued jointly with the N.Y. Empire State Development Corporation.

III. Potential Impacts Considered and Determined Not to Be Significant

Among others, the Board has considered the following issues and potential impacts, and has concluded that neither individually nor cumulatively will they have a significant impact on the environment:

- ***Land, Air and Water***

The proposed action would alienate existing parklands, providing compensating lands of an equal, or near equal, size in very close proximity. It would have no adverse impact on the land, air or water in the area.

- ***Endangered Species***

No endangered species have been identified in the area.

- ***Agricultural Land Resources***

There are no anticipated impacts on agricultural lands.

- ***Historic and Archaeological Resources***

There are no anticipated impacts on any historic or other archeological land or resource.

- ***Critical Environmental Areas (CEAs)***

There are no significant anticipated impacts on any CEA.

- ***Energy***

There are no anticipated significant impacts the community's sources of fuel or energy supply. To the extent there is any impact on energy, such impact will be a positive one, enhancing the source of electrical power to nearby locations.

- ***Public Health***

There are no anticipated significant impacts on the public health.

- ***Air Quality and Noise Levels***

The proposed action is not expected to have a significant impact on local air quality or noise levels.

- ***Land and Water Impacts***

The proposed action is not expected to have a significant impact on local land or water resources.

- ***Visual Impacts***

There will be little if any visual impact from the proposed action. In fact the contemplated walking trail along the lake front will likely preserve and enhance the view sheds.

- ***Traffic***

The proposed action will not alter the existing traffic volumes or patterns. A traffic study will be required when a more site specific use is identified for the alienated lands, as occurred when development was last considered.

There is adequate public transportation to the lands affected.

- ***Impact on Growth and Development***

The proposed action will facilitate growth and development in the future, while, at the same time, preserving an equivalent amount of open space. The discontinuance of the existing golf course will not adversely affect the Town's recreational amenities, as the nearby 27-hole Town owned Blue Hill Golf Course will continue to operate.

- ***Public Controversy***

It is likely that there will be some public controversy, as there always is, with change. Such public controversy may well come from a relatively small group who use and prefer to play on a smaller course than the nearby Blue Hill course. The Board also recognizes the burden that the continued operation of the course at a deficit poses to the overall taxpaying community, and the need to balance the competing concerns.

There undoubtedly will be concern over any potential future development of the site, but the Board has further concluded, based on past studies and evaluations, that the impacts associated with growth can be adequately mitigated such that there will be no significant adverse impacts as a result.

In summary, after evaluating all of the potential environmental impacts relating to the proposed action, the Town Board concludes that there will be no significant environmental effect caused thereby.

For Further Information, Contact:

Town Supervisor Andrew Y. Stewart
Town Hall, Town of Orangetown
26 Orangeburg Road
Orangeburg, New York 10962
(845) 359-5100

RESOLUTION NO. 301

**REQUEST FOR HOME RULE
LEGISLATION -- ALIENATION OF
PARK LAND (BROADACRES)**

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

RESOLVED, that the Town Board hereby approves the submission of a Home Rule request seeking Special State Legislation, (i) approving the discontinuance of parkland status with respect to Town owned parklands formerly a part of the Rockland Psychiatric Center, constituting the Broadacres Golf Course, the said lands consisting of 64.8743 ± acres and otherwise shown on the Tax Map of the Town of Orangetown as Tax Lot 74.05-1-1, and (ii) as part of such proposed Special State Legislation authorizing the designation of an equal, or near equal, parcel of compensating parklands in and along Lake Tappan now a part of Tax Lot 73.12-1-3.1 on the Tax Map of the Town of Orangetown; and be it further

RESOLVED, that Town Supervisor, or his designated agent, shall be authorized to execute whatever further documents, and to take such other and further steps as may be required, to effect the purposes of this resolution.

Ayes: Councilmen Diviny, Valentine, Morr
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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RESOLUTION NO. 302

**RE-ENTERED EXECUTIVE SESSION
LABOR ISSUES**

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

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

Resolution No. 302 - Continued

RESOLVED, that the Town Board entered Executive Session to discuss particular labor issues, at 8:45 p.m.

Ayes: Councilmen Diviny, Morr, Valentine
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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RESOLUTION NO. 303**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 James A. Robbins, Pearl River and retired Orangetown employee, at 9:30 p.m.

Ayes: Councilmen Diviny, Morr, Valentine
Supervisor Stewart

Noes: None

Absent: Councilman Troy

Charlotte Madigan, Town Clerk