

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, JUNE 17, 2014**

This Town Board Meeting was opened at 7:30 p.m. Supervisor Stewart presided and the Town Clerk Madigan 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
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Joseph Moran, Commissioner of DEME
Aric Gorton, Superintendent of Parks and Recreation
Mary Cardenas, Town Historian

Esta Baitler led the Pledge of Allegiance to the Flag.

Summary of Public Comments:

Esta Baitler, Sparkill, wants sewer covers to eliminate odors near Route 340.

Victor Armaniaco, Blauvelt, opposes the zone change from residential and LO to fully commercial, for 636 Greenbush Rd. Why consider this zone change, it is all residential.

Elayne Armaniaco, Blauvelt, and Chairwoman of the Greenbush Road Neighborhood Coalition, has fought to preserve 636 Greenbush Road as open space since 1999, when dinosaur tracks were discovered. The Coalition is working with Dr. Landing and other local experts in the field of paleontology, to impress upon the Town Board and applicant, that there are many residents against this zone change.

Watson Morgan, Blauvelt, and member of the Open Space Committee, said it would be a good idea for the Town to make an offer to preserve the Dinosaur Track site as open space.

Ann Brennan, Blauvelt, would like to see this property named as a landmark and listed on the State Register of Historic Places. She asked the Town Board to suggest another site.

Anthony Vaccaro, Blauvelt, is against the zone change on this property.

Eileen Larkin, Palisades, spoke about a better presentation of the flags. We are blessed to live in this Country and we are blessed to have the men and women who have served us.

Peter Solari, Blauvelt, and a member of the Coalition, is concerned that the zone change will reduce the value of his home. He suggested making it an educational site.

Fran Oldenberger, Blauvelt, spoke about making this site a start to an historical journey, from Blauvelt Pre-Historic, to Tappan Revolutionary War, to Orangeburg Camp Shanks.

Jim Sinelli, Blauvelt, opposes any zone change. He built his dream log house on Greenbush Road and wants to save the value of it.

Kelly Maris, Blauvelt, objects to the zone change. A zone change will bring noise and affect the quality of life in the neighborhood. This parcel is recognized as open space in the Town's Comprehensive Plan and Rockland County Open Space Acquisition Program.

Joseph Levine, Blauvelt, purchased his Greenbush Road home because the neighborhood is charming. Changing the zone will damage the entrance to Buttermilk Falls and Blauvelt State Park, disrupt the neighborhood and create a hazard to all who live in the area.

John Melican, Blauvelt, is opposed to this zone change. The newspaper acclaimed Greenbush Road as the last rural road in Rockland County.

RESOLUTION NO. 319

CLOSE PUBLIC COMMENTS

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

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RESOLUTION NO. 319 - Continued

RESOLVED, that the public portion is hereby closed.

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

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RESOLUTION NO. 320

**AWARD BID/YARD WASTE MACHINES
LEAF LOADERS / OLD DOMINICAN
BRUSH CORP**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for two Yard Waste Machines/Leaf Loaders, which were received and publicly opened on May 15, 2014; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 06-B-14, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that upon the recommendation of the Superintendent of Highways, this bid is hereby awarded to Old Dominican Brush Corporation, Richmond, VA, the lowest qualified bidder, in the amount of \$32,741.00 each, (total of \$65,482.00).

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

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RESOLUTION NO. 321

**AWARD BID/NEW 24 YARD DUMP
TRAILERS/VASSO WASTE SYSTEMS**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for two (2) New 24 Yard Dump Trailers, which were received and publicly opened on April 24, 2014; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 06-C-14, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that upon the recommendation of the Superintendent of Highways, this bid is hereby awarded to Vasso Waste Systems Inc., Brooklyn, NY, the only qualified bidder, in the amount of \$74,000.00.

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

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RESOLUTION NO. 322

**APPROVE CONTRACT/CORNELL
COOPERATIVE EXTENSION/MS4
REQUIREMENTS TRAINING**

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

RESOLVED, that upon the recommendation of the Commissioner of DEME and the Superintendent of Highways, the annual contract with Cornell Cooperative Extension, for the

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RESOLUTION NO. 322 - Continued

Town's MS4 requirements, to provide community-wide education, is approve at a cost of \$5,440.00 payable within 60 days after receiving the invoice.

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

Noes: None

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RESOLUTION NO. 323

**APPROVE/SUPPLEMENTAL
AGREEMENT NO. 2 TO D031702
NYSDOT/FEDERAL AID
MARCHISELLI AID/RTE 340
SIDEWALKS CURBS/DRAINAGE
PIN 8059.03**

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

WHEREAS, a Project for the Installation of Sidewalks, Curb and Drainage on Route 340, from Route 303 to Kings Highway, in the Town of Orangetown, Rockland County, Identified as PIN 8059.03, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the cost such program to be borne at the ration of 80% federal funds and 20% non-federal funds; and

NOW, THEREFORE, the Orangetown Town Board, duly convened does hereby

RESOLVED, that the Orangetown Town Board hereby approves the above-subject project and it is hereby further

RESOLVED, that the Orangetown Town Board hereby authorizes the Town of Orangetown to pay the first instance 100% of the federal and non-federal share of the cost of construction, construction inspection and construction support work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$1,092,000 is hereby appropriated and made available to cover the cost of participation, in the above phase of the project; and it is further

RESOLVED, that the Supervisor of the Town of Orangetown be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid, on behalf of the Town of Orangetown with the New York State Department of Transportation, in connection with the advancement or approval of the Project and providing for the administration of the Project and municipality's first instance funding of project costs of federal-aid and state-aid eligible Project costs and all Project costs, within appropriations therefore that are not so eligible, and is further

RESOLVED, that in addition to the Town Supervisor the following municipal titles: Superintendent of Highways, Director of Department of Environmental Management and Engineering and Director of Finance, are also hereby authorized to execute any necessary agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement:

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and it further

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RESOLUTION NO. 323 – Continued

RESOLVED, that this Resolution shall take effect immediately.

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

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RESOLUTION NO. 324

**REJECT BID/PEARL RIVER
DOWNTOWN REVITALIZATION
PROJECT**

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

RESOLVED, that the Town of Orangetown rejects the bid from Sun-Up Enterprises of Wappingers Falls, New York, as one (1) bid, which exceeded the allocated funding, which was received for the Pearl River Downtown Revitalization Project, PIN 8761.02.

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

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RESOLUTION NO. 325

**APPOINT ASSISTANT BUILDING
INSPECTOR/GLENN MAIER**

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

RESOLVED, upon the recommendation of the Director of OBZPAE and the Human Resources Coordinator, Glenn Maier is hereby appointed to the position of Assistant Building Inspector, Grade 15, Step 1, at a salary of \$62,659.00, effective June 16, 2014.

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

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RESOLUTION NO. 326

**APPOINT HUMAN RESOURCES
COORDINATOR/DONNA MORRISON**

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

RESOLVED, that upon the recommendation of the Rockland County Department of Personnel, Donna Morrison is hereby appointed to the position of Human Resources Coordinator, permanent, List #14011, effective June 17, 2014, no change in salary.

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

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RESOLUTION NO. 327

**TRAFFIC ADVISORY BOARD/POLICE
REGULATION/ CROSSWALK/PICK-UP
DROP-OFF AREA/ROCKLAND MUSIC
CONSERVATORY/PEARL RIVER**

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

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RESOLUTION NO. 327 – Continued

WHEREAS, the Traffic Advisory Board has received a request from the Rockland Conservatory of Music to review safety concerns relating to traffic and students entering the school at 45 South Main Street, Pearl River, New York;

WHEREAS, the Traffic Advisory Board has met with personnel from the Rockland Conservatory of Music as well as other concerned citizens;

WHEREAS, after due deliberation and coordination with the Highway Department and the Police Department, the Traffic Advisory Board recommends the installation of a crosswalk in front of the Rockland Conservatory of Music, 45 South Main Street, Pearl River, New York;

WHEREAS, the Traffic Advisory Board also recommends that the area in front of 45 South Main Street, Pearl River, New York, south of the cross walk, be designated a “pick up and drop off” area;

WHEREAS, the Highway Department concurs with this recommendation;

WHEREAS, the Police Department concurs with this recommendation;

WHEREAS, the Town Attorney’s Office concurs with this recommendation;

WHEREAS, the funding for this project is minimal and shall be taken out of Highway funds;

NOW BE IT RESOLVED that the Highway Department shall install a cross walk in front of 45 South Main Street, Pearl River, New York;

BE IT FURTHER RESOLVED that the area in front of 45 South Main Street, Pearl River, New York, south of the crosswalk, shall be designated a “pick up and drop off” area; and

BE IT FURTHER RESOLVED that the Highway Department shall install ADA (Americans with Disability Act) compliant sidewalk entrances and mark the cross walk and “pick up and drop off” area with appropriate MUTCD (Manual on Uniform Traffic Control Devices) signage.

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

Noes: None

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RESOLUTION NO. 328

SETTLE LAWSUIT/AYRES VS. TOWN OF ORANGETOWN

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 outside counsel for the Town, the Town Board authorizes the settlement of the lawsuit entitled Kenneth Ayres v. TOWN OF ORANGETOWN, under Rockland County Index No. 30215/11, for the sum of \$15,000.00.

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

Noes: None

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RESOLUTION NO. 329

ADOPT 2015 BUDGET CALENDAR

Councilman Morr offered the following resolution, which was seconded by Councilman Valentine 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 2015 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 30, 2014: Last date for department heads to submit a capital budget for 2015, as well as a capital improvement plan for the period 2015 through 2019;

JULY 8, 2014: Last date for department heads to submit estimate of 2015 operating revenues and expenditures to Supervisor with the estimates submitted in such form and containing such information as the Supervisor shall prescribe;

BETWEEN SEPTEMBER 2nd and SEPTEMBER 16th, 2014: 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 16, 2014: 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 23, 2014: Last day for the supervisor to file with the Town Clerk the tentative budget and budget message for 2015, and the estimates and schedules of the various administrative units;

SEPTEMBER 23, 2014: 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 2015 Tentative Budget for the Town and publish it on the Town's web site;

SEPTEMBER 23, 2014: Schedule a public hearing for October 7, 2014, 8:00 p.m. regarding the Blauvelt Fire District Contract.

OCTOBER 7, 2014: Last day for each fire district to submit to the Town Clerk the proposed 2015 budget and notice of public hearing on the 2015 budget for public review and inclusion on the Town's website;

OCTOBER 21, 2014: Public hearing date for all fire district budgets (third Tuesday in October by State law);

OCTOBER 21, 2014: Public hearing date to amend Town Code, Chapter 34, Taxation-Property Tax Cap Override Tax Levy Limit -Fiscal Year 2015.

OCTOBER 21, 2014: 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 21, 2014: 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 5, 2014, which notice includes the salaries of the Town Board and the Town Clerk and a public hearing on tax cap override, if necessary;

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RESOLUTION NO. 329 – Continued

OCTOBER 28, 2014: If necessary at 8:00 p.m. continuation of Public Hearing to amend Town Code, Chapter 34, Taxation-Property Tax Cap Override Tax Levy Limit-Fiscal Year 2015.

NOVEMBER 5, 2014: 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, 2015;

NOVEMBER 18, 2014: 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: Councilpersons Morr, Valentine, Troy, Diviny
Supervisor Stewart

Noes: None

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RESOLUTION NO. 330

**CERTIFICATE OF REGISTRATION
2014 SEWER WORK**

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

RESOLVED that upon the recommendation of the Town Attorney and the Commissioner of the Department of Environmental Management and Engineering, a Certificate of Registration for 2014 Sewer Work is approved to:

Pro-Cut Landscaping, 11 Pine View Rd., West Nyack, NY

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

Noes: None

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RESOLUTION NO. 331

**ACCEPT/RECEIVE/FILE/ TOWN
CLERK'S OFFICE**

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

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

1. Pearl River Fire District Financial Statements & Independent Auditor's Report, 12/31/13.
2. Agreement with NYS Thruway Authority, dated 6/26/13, River Rd and Piermont Ave new gravity sewer line.
3. May 20, 2014 and June 3, 2014 Regular Town Board Meeting minutes; and May 27, 2014 Executive Session minutes.
4. Agreement with Jay A. Greenwell, PLS, LLC, 1/14/14, for survey work, 650 Route 340.
5. Agreement with Tappan Zee Constructors, LLC, 7/2013, Monitoring Stations, Grand View-on-Hudson Village Hall.
6. Agreement with Hi-Tor Animal Care Center, Inc., dated 1/1/2014.
7. Agreement with Wilson, Elser, Moskowitz, Edelman & Dicker LLP, 1/2014, Government Affairs Counsel.
8. SPDES NY – 026051; May 2014 Monthly Report.

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

Noes: None

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RESOLUTION NO. 332**AUTHORIZE/PAY VOUCHERS**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Morr 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 \$442,118.62.

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

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RESOLUTION NO. 333**ENTER EXECUTIVE SESSION
CONTRACT ISSUES**

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

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

RESOLVED, that the Town Board entered Executive Session to discuss contract issues with legal counsel, at 8:34 p.m. Supervisor Stewart said no further votes will be taken.

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

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RESOLUTION NO. 334**RE-ENTER RTBM/ADJOURNED
MEMORY**

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 Jean Minuto, Blauvelt; Janet Hogan, Tappan; Maureen Harris, Tappan; and Patricia Altieri, Pearl River, at 10:03 p.m.

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

Charlotte Madigan, Town Clerk