

**TOWN OF ORANGETOWN
WORKSHOP MEETING
TUESDAY, JUNE 24 2014**

This Town Board Meeting was opened at 8:10 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
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks and Recreation
Det. Sgt. James Sullivan
Donna Morrison, Human Resources Coordinator

RESOLUTION NO. 339

**APPROVE, IN PRINCIPLE, A LEASE OF
TOWN OWNED LAND AT THE HIGHWAY
DEPARTMENT FOR USE AS A CNG
FILLING STATION, SUBJECT TO
PERMISSIVE REFERENDUM**

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

WHEREAS, the Town is the Owner of real property, located at 119 Route 303, Orangeburg, New York (Tax Map designation 74.15-1-20), at which the Town Highway Department offices, garage, yards and related structures and areas are located; and

WHEREAS, a small portion of the said property, depicted on Schedule “A” made a part hereof (hereinafter the “Leasehold Area”), is surplus to the Town’s needs and is available for conveyance for fair value and otherwise in the best interests of the Town; and

WHEREAS, Mobile Fuel Solutions (“MFS”), a distributor of compressed natural gas (“CNG”) for CNG powered motor vehicles, has proposed that the Town convey the Leasehold Area to it, together with an easement for ingress and egress over an existing internal roadway, pursuant to a 10-year lease, on which it will construct a CNG filling station, with ancillary pod facilities for off-site delivery; and

WHEREAS, MFS has proposed to make a lease payment consisting of 1) a guaranteed annual payment (in monthly or quarterly installments) that reflects the fair market rental value of the Leasehold Area; 2) a further royalty payment calculated on a per gallon basis for all compressed gas sold on, or delivered from, the facility on the Leasehold Property; and 3) a guaranteed below market per gallon price (25% above cost) for all CNG sold to the Town for Town owned vehicles; and

WHEREAS, the establishment of a CNG filling station on Town owned land would facilitate, over time, the conversion of portions of the Town’s own motor vehicle fleet to CNG (with the financial, maintenance, environmental and other benefits that would attend such a conversion), which could not otherwise take place there being no existing or proposed CNG station in sufficiently close proximity to the Town as to make such a conversion economically feasible;

WHEREAS, the Town Board has determined the proposed lease to be in the best overall interests of the Town, given the surplus nature of the property to be conveyed, and the financial and other benefits that will result from the existence of such a station on Town owned land; and

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RESOLUTION NO. 339 – Continued

WHEREAS, the Town Superintendent of Highways supports the proposed lease conveyance to MFS for the stated purpose,

NOW, THEREFORE, BE IT RESOLVED, the Town Board supports and approves, in principle, the conveyance of the Leasehold Area to MFS for the stated purpose for fair rental value, together with additional royalty payments based on the volume of CNG sold at or from the proposed station, and a below market rate to the Town for Town owned vehicles, subject to 1) review and approval of a final lease agreement; 2) site plan approval; 3) all other required federal, state and local permits and/or approvals; and 3) compliance with Town Law provisions, relating to permissive referendum; and

BE IT FURTHER RESOLVED, that the Town Supervisor, or his designated representative, is hereby authorized to deliver a letter from the Town to NYSERDA in connection with an application by MFS for grant or other funding for the construction of the proposed station, reflecting the Town's agreement to convey the Leasehold Area to MFS, subject to the conditions recited herein, and to sign a NYSERDA sample site agreement commitment form (subject to a negotiated site lease) and such other documents, consistent herewith, as may be required to effectuate the purpose of this resolution.

This resolution, and the conveyance contemplated hereby, is subject to permissive referendum.

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

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RESOLUTION NO. 340

**ACCEPT RESIGNATION LETTER OF
ANN MAESTRI/SUPERVISOR OF
FISCAL SERVICES**

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

RESOLVED, accept with regret the resignation of Ann Maestri, Supervisor of Fiscal Services.

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

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RESOLUTION NO. 341

**APPOINT JANICE GANLEY/
SUPERVISOR FISCAL SERVICES**

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

RESOLVED, that upon the recommendation of the Finance Director and the Human Resource Coordinator, Janice Ganley is hereby, appointed to the position of Supervisor of Fiscal Services (Towns), Grade 19, Step 1, at a salary of \$75,901.00, effective June 30, 2014.

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

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RESOLUTION NO. 342

ENTER EXECUTIVE SESSION

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

RESOLVED, that the Town Board entered into Executive Session to discuss RPC and Empire State Development, at 9:10 p.m.

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

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RESOLUTION NO. 343

**RE-ENTER WORKSHOP
ADJOURNED**

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

RESOLVED, that the Town Board re-entered the Workshop and adjourned, at 10:25 p.m.

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

Charlotte Madigan, Town Clerk