

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, JUNE 25, 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

Also present: Charlotte Madigan, Town Clerk  
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  
John Giardiello, Director of OBZPAE  
Aric Gorton, Superintendent of Parks and Recreation

Charlotte Madigan led the Pledge of Allegiance to the Flag.

**Announcement:**

The New York State Assembly and Senate approved the Town's request to alienate Broadacres Golf Course as parkland and designate a section of the RPC site, along the Lake Tappan as parkland. The request now awaits the signature of Gov. Andrew Cuomo.

**Summary of Public Comments:**

Henry Jodry, Tappan, asked if noise limits have been activated for events at the Masonic grounds. Patricia Brown, Orangeburg, is a member of the Cortwood Orangetown Housing Authority Board (OHA). The Board and along with the residents are in favor of Paul Whalen being appointed to the OHA.

June Groll, Orangeburg, spoke about the responsibilities and duties of elected and appointed officials. She requested the Town Board to appoint Paul Whalen to the OHA.

Stephen Ryan, volunteer at Our Lady of Queen of Peace Chapel, said the Chapel is a treasure and a substantial resource that serves many. He asked the Town Board for assistance in investigating and protecting the future of this Chapel.

George Kohmum, Blauvelt, would like the Town Board to send a letter to the Archdiocese requesting they keep the Chapel that serves hundreds of residents in Rockland.

Barbara Noyes, Blauvelt, said the Chapel is beautiful and valuable to the community. She hopes the Town Board will support and help save the Chapel.

Sean Murphy, Pearl River, spoke about the flood insurance he does not need. He asked for the FEMA flood maps to be updated quickly.

Robert Tompkins, Pearl River, is opposed to Paul Whalen being appointed to the OHA and hopes the by-laws will be followed in the future.

Mike Mandel, Pearl River, asked why the Nyack Pump Station emergency repair is not covered under the \$60 million sewer bond.

George Leahy, Tappan, said Paul Whalen is a good man, has integrity and reflects the goodness of this Town. He approves Paul Whalen's appointment to the OHA.

Jack O'Connor, OHA member, said Paul Whalen spends countless hours at Cortwood and he is always looking for the best care for our seniors. He supports Paul Whalen 100%.

Councilman Troy read a letter from Peter Byrne (OHA member) explaining his support of Paul Whalen being appointed to the OHA. He urged the Town Board to appoint Paul Whalen to the OHA.

**RESOLUTION NO. 309**

**CLOSE PUBLIC COMMENTS**

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

**Resolution No. 309 - Continued**

RESOLVED, that the public portion is hereby closed.

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

Noes: None

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**RESOLUTION NO. 310****ACCEPT DONATION/BROADACRES  
GOLF COURSE/ DEFIBRILLATOR**

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

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, the generous donations of \$1,395.00 from the South Orangetown Rotary Club and \$308.00 from Kimball Parker, Rotary member and OPDAC member, for the purpose of purchasing an Automated External Defibrillator, to be placed at Broadacres Golf Course, is hereby accepted with gratitude.

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

Noes: None

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**RESOLUTION NO. 311****SET A PUBLIC HEARING/LOCAL  
LAW/ABOLISHING THE RECEIVER  
OF TAXES AND CONSOLIDATING  
DUTIES AND POWERS TOWN CLERK**

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

RESOLVED, that a public hearing shall be conducted on July 9, 2013, 8:00 p.m. to consider a proposed Local Law, to abolish the Office of Receiver of Taxes in the Town of Orangetown, and consolidate the powers and duties of the Office of Receiver in the Office of the Town Clerk, said Local Law, if adopted, and if thereafter approved by mandatory referendum at the General Election, to be held on November 5, 2013, shall take effect on January 1, 2018.

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

Noes: None

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**RESOLUTION NO. 312****APROVE FUNDING/ORANGETOWN  
VOLUNTEER EMERGENCY  
SERVICES COALITION (OVESC)**

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

RESOLVED, that in recognition of the vital role played by affordable housing in helping to retain volunteers involved with emergency services, and the superb track record of the Orangetown Emergency Services Coalition (OVESC), in providing affordable housing to emergency services volunteers and professionals, and recognizing the pressing need for replacing roofs at the OVESC homes on Chief Harris Way, the Town Board authorizes the Supervisor to convey \$50,000 from general fund to OVESC, for the purpose of repairing and replacing roofs of eight homes located on Chief Harris Way.

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

Noes: None

**RESOLUTION NO. 313****REAPPOINT/ORANGETOWN  
HOUSING AUTHORITY/PAUL  
WHALEN**

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 as a member of the Orangetown Housing Authority, effective 5/29/2013 - 12/31/2018.

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

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**RESOLUTION NO. 314****AID/ROCKLAND COUNTY FEIS**

Councilman Morr 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 Rockland County FEIS, by supplying barricades and cones for pedestrian safety, for the 40th Annual FEIS and Field Games, to be held at the German Masonic Home in Tappan, on Sunday July 21, 2013, is hereby approved.

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

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**RESOLUTION NO. 315****ADOPT/AMENDMENT NO. 3/SIEMENS  
AGREEMENT/TRAFFIC SIGNAL**

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

RESOLVED, that upon the recommendation of the Superintendent of Highways and the Finance Director, Amendment No. 3, to eliminate Traffic Signal Control Upgrades, thereby releasing the Town of Orangetown from further financial liability regarding these upgrades, to the Performance Contract with Siemens is hereby adopted.

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

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**RESOLUTION NO. 316****APPROVE CONTRACT/NYS  
THRUWAY AUTHORITY/SEWER  
IMPROVEMENTS/RIVER ROAD  
SOUTH NYACK AND GRANDVIEW-  
ON-HUDSON**

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

WHEREAS, the Town is the owner of certain sewer facilities, in and along and in the vicinity of River Road, in the Villages of South Nyack and Grandview-on-Hudson; and

WHEREAS, the Town wishes to make certain improvements to those sewer facilities, among other things, installing a new gravity sewer line (the "River Road Gravity Sewer Line") and shutting down the Salisbury Pump Station; and

WHEREAS, the N.Y.S. Thruway Authority, in connection with its Design-Build contract for the construction of the new Tappan Zee Bridge, is required to perform work, including utility relocation work, in and along River Road; and

**Resolution No. 316 - Continued**

WHEREAS, in order to minimize the opportunity for conflict and delay in the implementation of its Design-Build project, the Thruway Authority has agreed to include the construction of the River Road Gravity Sewer Line, as described in a certain Authority Utility Agreement (the "Agreement"), approved hereby, and incorporated herein by reference, in the Design-Build contract at no cost to the Town,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves the Agreement between the Town and the N.Y.S. Thruway Authority, relating to the installation of the River Road Gravity Sewer Line, and related work, and authorizes the Supervisor and Commissioner of DEME to execute same on behalf of the Town and to take such other steps, and to sign such other documents, as may be necessary to effectuate the terms of the Agreement.

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

Noes: None

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**RESOLUTION NO. 317****MARCHISELLI FUNDING/PEARL RIVER  
DOWNTOWN REVITALIZATION**

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

WHEREAS, a Project for the Pearl River Downtown Revitalization, PIN 8761.02 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% Local funds; and

WHEREAS, the Town of Orangetown desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction, construction inspection, and construction supervision.

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

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

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

RESOLVED, that the sum of \$235,800 is hereby appropriated, pursuant to Town Board Resolution No. 522/2011 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town of Orangetown shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Supervisor thereof, and it is further

RESOLVED, that the Supervisor of the Town of Orangetown 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 the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project cost within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the Town Supervisor, the following municipal titles: Commissioner of Department of Environmental Management and Engineering and the Town of

**Resolution No. 317 - Continued**

Orangetown Superintendent of Highways, 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 is further

RESOLVED, this Resolution shall take effect immediately.

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

Noes: None

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**RESOLUTION NO. 318**

**AWARD PROPOSAL/ SCOPE OF  
SURVEY WORK/650 ROUTE 340  
JAY A. GREENWELL**

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

RESOLVED, that upon the recommendation of the Commissioner of DEME., the Proposal for the Scope of Survey Work of 650 Route 340, Sparkill NY is hereby awarded to Jay A. Greenwell, PLS, LLC, Suffern, New York, at a cost of \$18,750.00, the lowest qualified bidder to meet Town Specifications.

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

Noes: None

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**RESOLUTION NO. 319**

**DEME/ESTABLISH POSITION  
ASSISTANT OPERATOR I**

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

RESOLVED, that upon the recommendation of the Commissioner of DEME, the position of Assistant Operator I, at a salary of \$69,505.00, effective February 6, 2013, is hereby established.

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

Noes: None

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**RESOLUTION NO. 320**

**ACCEPT/RECEIVE/FILE TOWN  
BOARD MINUTES**

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

RESOLVED, that the May 28, 2013 Regular Town Board/Audit Meeting, the May 30th and June 3rd, 2013 Special Town Board Meeting and the June 4, 2013 Police Commission and Executive Session minutes are hereby accepted, received and filed in the Town Clerk's Office.

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

Noes: None

**RESOLUTION NO. 321****RECEIVE/FILE/DOCUMENTS  
TOWN CLERK'S OFFICE**

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

RESOLVED, that the following documents are received and filed in the Town Clerk's Office: Police Administration Employment Agreements between the Town and Chief Kevin Nulty, Captain Robert Zimmerman and Captain Donald Butterworth.

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

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**RESOLUTION NO. 322****APPROVE LEASE GOOSETOWN/POLICE**

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

RESOLVED, that upon the recommendation of the Chief of Police, the Town Board agrees to a lease rate with Goosetown Communications of \$3,610 per month for leasing 19 Toughbook computers and 19 GX400 Verizon Modems for the Orangetown Police Department. The term of the lease is 60 months and the total cost over 5 years is \$216,600.

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

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**RESOLUTION NO. 323****APPROVE CONTRACT/HAUSER BROS.,  
INC./EMERGENCY PUMP WORK/NYACK  
PUMP STATION**

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

WHEREAS, the Nyack Pump station is a necessary component of the Town's sewerage disposal system; and

WHEREAS, one of the four (4) pumps at the Nyack pump station was previously removed for manufacturer's service and is not expected to be returned and restored to service in the near future, and a second pump is in immediate need of a replacement valve essential to its operation; and

WHEREAS, the pump station requires a minimum of two operating pumps and one back-up pump, at all times, in order to ensure the safe and continuous operation of the station; and

WHEREAS, the defective/broken valve condition was unforeseen, and not as a result of neglect or delay in replacement; and

WHEREAS, the Commissioner of DEME has attempted to secure multiple written quotes for the replacement of the defective/broken valve, in compliance with the Town's procurement policy, but has been unable to do so; and

WHEREAS, the Town has received one written price quote, in the amount of \$29,850.00 from Hauser Bros., Inc., which, in the professional judgment of the Commissioner, is reasonable in respect of both parts and labor,

NOW, THEREFORE, BE IT RESOLVED, the Town Board approves, as an emergency public works contract with Hauser Bros., Inc. in the sum of \$29,850.00 for the immediate replacement of the defective/broken valve.

Funding for the Contract shall be paid from G.8197.452.

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

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**RESOLUTION NO. 324****MEMORIALIZING RESOLUTION  
REVERSE/DECISION/TERMINATE  
TECHNICAL ASSISTANCE  
PROGRAM /CORNELL UNIVERSITY**

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

RESOLVED, that the Town Board of Orangetown requests the College of Agriculture and Life Sciences reconsider the termination of the Local Technical Assistance Program, the outreach program of the Cornell Local Roads Program.

WHEREAS, the Town of Orangetown has taken advantage of the excellent educational opportunities offered through the Cornell Local Roads Program, and

WHEREAS, the Town of Orangetown has gained invaluable knowledge that enables us to provide high quality, safe and affordable roads and bridges for all of our customers, and

WHEREAS, losing the association, with the prestigious Cornell University, will have a negative impact on the entire highway community and residents of the Town of Orangetown, who have been well served, by the training and technical assistance offered, by the Cornell Local Roads Program, and

WHEREAS, the Cornell Local Roads Program is fully funded by the New York State Department of Transportation, and the Federal Highway Administration and therefore not a financial burden to Cornell University, And, Be It

HEREBY RESOLVED, that the Town of Orangetown calls on Katherine Boor, PhD, the Ronald P. Lynch Dean, College of Agricultural and Life Sciences, Cornell University, to reverse her decision to terminate the Local Technical Assistance Program of the Cornell Local Roads Program.

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

Noes: None

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**RESOLUTION NO. 325****OUR LADY OF QUEEN OF PEACE  
EXTENSION LETTER/CLOSURE**

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

RESOLVED, that the Supervisor is hereby authorized to write a letter to the Archdiocese and the State of New York, calling for a 1-year extension on the closure of the Our Lady of Queen of Peace Chapel, in cooperation with the community, in its effort to resolve this issue.

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

Noes: None

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**RESOLUTION NO. 326****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 \$1,305,522.12.

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

Noes: None

**RESOLUTION NO. 327****AUTHORIZE SYLVIA WELCH  
LETTER OF INTENT/HAZARD  
MITIGATION GRANT PROGRAM**

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

RESOLVED, that Sylvia Welch, grant writer, is hereby authorized to write a Letter of Intent, to submit a grant application, for the Hazard Mitigation Grant Program.

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

Noes: None

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**RESOLUTION NO. 328****ENTER EXECUTIVE SESSION  
CSEA NEGOTIATIONS**

In attendance, at this Executive Session, were Supervisor Stewart, Deputy Supervisor Ryff, Councilmen Troy, Diviny, Morr and Valentine, Charlotte Madigan, 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 particular CSEA negotiations, at 9:45p.m. Supervisor Stewart said no further votes will be taken.

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

Noes: None

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**RESOLUTION NO. 329****REENTERED RTBM  
ADJOURNMENT/MEMORY**

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

RESOLVED, that the Town Board re-entered the Regular Town Board Meeting and adjourned, in memory of Dennis B. Langan II, Suffern (age 29); Peter McGovern, Pearl River; and Patrick Gillen, Pearl River, at 10:45 p.m.

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

Noes: None

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**Charlotte Madigan, Town Clerk**