

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, JULY 15, 2014**

This Town Board Meeting was opened at 7:35 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
Joseph Moran, Commissioner of DEME
Robert Simon, Receiver of Taxes
Aric Gorton, Superintendent of Parks and Recreation
Mary Cardenas, Town Historian

Esta Baitler led the Pledge of Allegiance to the Flag.

MOODY'S RATING/TOWN RECEIVES Aa2

The Finance Director announced the Town maintained its Aa2 rating despite overlapping debt from Rockland County, whose financial difficulties negatively impacts the overall taxing ability of the Towns.

Charlotte Madigan, Town Clerk, presented Mary Cardenas, Museum Director, with a donation of \$750.00 from "Orange is the New Black" (film company) to support Orangetown Historical Archives and Museum.

Geraldine Tortorella, Attorney for Orangeburg Commons, explained the Petition to amend the text of zoning ordinance (Chapter 43 of the Orangetown Code) to add a Mixed-Use Expansion Special Permit to allow development of a small lot adjoining a Mixed-Use Development to be effectively made a part of a large unified project. The developers have a desire to develop a small parcel behind Orangeburg Commons, which only has access from a cul-de-sac at the end of Greenbush Road, with a building containing commercial uses. The intent would be to integrate such development functionally into the Orangeburg Commons shopping center, without merging the parcels.

RESOLUTION NO. 344

**ORANGEBURG COMMONS/
PROPOSED TEXT AMENDMENT,
ADDING A NEW § 4.32(P) TO THE
TOWN ZONING LAW; REFERRAL TO
TOWN PLANNING BOARD; AND
DECLARATION OF INTENT TO BE
LEAD AGENCY**

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

WHEREAS, FB ORANGETOWN, LLC has petitioned the Town Board to amend the Town Zoning Law, to add a new § 4.32(P) to the Town Zoning Code, relating to properties located in the vicinity of the intersection of State Rte. 303 and the Palisades Interstate Parkway (Exit 5 Interchange), in the Town of Orangetown, authorizing a "Mixed-Use expansion" special permit by allowing development of a small lot adjoining a "Mixed-use" development as part of the larger unified project; and

RESOLUTION NO. 344 - Continued

WHEREAS, the Town Board has made the preliminary determination to consider the request to the extent of referring the proposed amendment for comment to various other boards and agencies; and

WHEREAS, the Town Board concludes that the proposed action, if undertaken, would be subject to environmental review under the State Environmental Quality Review Act ("SEQRA"), has determined to commence the environmental review process,

NOW, THEREFORE, BE IT RESOLVED,

That, pursuant to Chapter 43, § 10.5 of the Town Code, the proposed amendment is referred to the Town Planning Board for its recommendation and comments regarding, among other things, whether the proposed amendment is consistent with the aims and principles already embodied in the Zoning Code as to the District(s) affected, as well as the implications of such an amendment; and

That the proposed amendment is further referred to the Rockland County Planning Department for the purpose of review pursuant to General Municipal Law §§ 239-1 & m;

AND BE IT FURTHER RESOLVED, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review, and directs that a lead agency coordination letter with relevant documents be circulated to and among the various involved and/or interested agencies.

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

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Summary of Public Comments:

Joann Coffey-Fasulo, Pearl River, spoke about Applied Golf's management fees. She said the Town should be receiving their Profit & Loss Statement and certified payroll records on a monthly basis.

Mike Mandel, Pearl River, explained that the Pearl River Parks and Recreation Committee paid for the fireworks from fundraisers. Broadacres should be leased and the Bond paid-off.

Keith Brennan, CSEA President, informed the Town Board that they are not following Civil Service procedures for hiring and promoting employees. Tomorrow a grievance will be filed.

Cynthia Anselmo, Palisades, complained about bamboo trees blocking her driveway. She suggested a Town Ordinance banning bamboo plants.

Ester Baitler, Sparkill, thanked the Board for sidewalks along Route 340. She asked that the rail-trail be cleaned.

Elayne Armaniaco, Greenbush Neighborhood Coalition, is concerned about soil boring tests being done at 636 N Greenbush Rd, Blauvelt (dinosaur property). She is already working with the Division for Historic Preservation to assess the parcel's eligibility for listing on the State and National Registers of Historic Places.

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RESOLUTION NO. 345**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: Supervisor Stewart
Councilpersons Valentine, Troy, Diviny, Morr
Noes: None

RESOLUTION NO. 346

CALENDAR CHANGE/JULY 22, 2014

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

RESOLVED, that the Police Commission/Workshop Meeting scheduled for July 29, 2014, has been changed to July 22, 2014, starting at 7:00 p.m.

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

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RESOLUTION NO. 347

**TABLED/AWARD CONTRACT
 HARBRIDGE CONSULTING
 GROUP/AFFORDABLE CARE ACT**

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

RESOLVED, upon recommendation of Finance Director, that the Town Board agrees to hire Harbridge Consulting Group, LLC, in an amount not to exceed \$10,000, to perform the following tasks:

1. Identify the Town’s risk exposure under the Affordable Care Act (ACA).
2. Conduct Study of all town employees to determine whether they are considered Full Time (FT) employees under the ACA.
3. Advise the Town on strategies to avoid 4980H (a) penalties for not providing Health Care to meet the 70%/95% tests in 2015/2016.
4. Advise the Town on strategies to avoid the Cadillac Tax for having too rich of a Healthcare plan.

The penalties for not providing healthcare to >95% of our employees is \$3K per employee * # employees (~300). This is equal to a potential penalty of \$600K.

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

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RESOLUTION NO. 348

BUDGET ADJUSTMENTS/PARKS

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

RESOLVED, upon recommendation of the Finance Director, the following budget adjustments are made to reflect the private management of Broadacres Golf Course:

Account Number Account Name (INCREASE) OR decrease

ER.7251.457	Broadacres - Contracts with Outside Vendor	410,000.00 (INCREASE)
ER.1980.457	MTC Mobility Tax	1,436.47
ER.7251.011	Broadacres - Permanent Staff	148,222.90
ER.7251.012	Broadacres - Time and One	5,000.00
ER.7251.013	Broadacres - Seasonal & Part	114,500.00
ER.7251.020	Broadacres - Double Time	2,000.00
ER.7251.440.01	Broadacres - Office	2,000.00
ER.7251.441	Broadacres - Schools and	840.00
ER.7251.442	Broadacres - Postage	4.70 (INCREASE)
ER.7251.443	Broadacres - Maintenance	1,175.00
ER.7251.446	Broadacres - Supplies	2,649.25
ER.7251.447	Broadacres - Vehicle Repair	19,238.09
ER.7251.449	Broadacres - Chemicals	30,113.00
ER.7251.452	Broadacres - Equipment Repairs	3,000.00
ER.7251.453	Broadacres - Repairs and Painting	2,248.00

ER.7251.460 Broadacres - Landscaping	29,300.00
ER.7251.462 Broadacres - Gasoline	12,500.00
ER.7251.465 Broadacres - Uniforms	94.38
ER.7251.471 Broadacres - Telephone	1,180.29
ER.9030.800 Broadacres - SS Medicare	22,320.46
ER.9050.800 Broadacres - Unemployment	12,186.86

TOTALS 410,004.70 (INCREASE) and 410,004.70 DECREASE

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

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RESOLUTION NO. 349 **FILM PERMIT FEE/INCREASE**

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

RESOLVED, that the Permit Fee for Filming within Orangetown shall be increased from \$300.00 to \$600.00 per permit, per location, effective July 15, 2014.

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

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RESOLUTION NO. 350 **ADOPT-A-SPOT/ WELCOME HOME/BATAAN ROAD TRIANGLE**

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

RESOLVED, that the Town of Orangetown, a municipal corporation, organized under the Town Law of the State of New York, which Town has a place of business at 26 Orangeburg Road, Orangeburg, New York 10962, expressly authorizes and approves the Adopt-A-Spot Committee, a volunteer organization with Kevin O'Rourke and Joseph Pleffner as part of the Adopt-A-Spot Committee to contribute toward the development and maintenance of a more attractive and litter-free Town Highway R.O.W. segment as described in the Highway Work Permit as Town Property located at the landscaped traffic island on Bataan Road at the intersection of Western Highway, Orangeburg, otherwise known as the "SPOT", by performing necessary and /or desired clean-up activities, as particularly set forth in and pursuant to the terms and conditions of the Town of Orangetown Highway Department Adopt-A-Spot Agreement between the Town of Orangetown Highway Department and the "Welcome Home Park" Adopt-A-Spot Committee, Dated July 1, 2014.

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

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RESOLUTION NO. 351 **ADOPT-A-SPOT/CAMPBELL AVENUE**

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

RESOLVED, that the Town of Orangetown, a municipal corporation, organized under the Town Law of the State of New York, which Town has a place of business at 26 Orangeburg Road, Orangeburg, New York 10962, expressly authorizes and approves the Adopt-A-Spot Committee, a volunteer organization with Tomaj Vadas as part of the Adopt-A-Spot Committee to contribute toward the development and maintenance of a more attractive and litter-free Town Highway R.O.W. segment as described in the Highway Work Permit as Town Property located at the landscaped "right of way" on the north end of Campbell Avenue, Tappan, otherwise known as the "SPOT", by performing necessary and /or desired clean-up activities, as particularly set forth in and pursuant to the terms and conditions of the Town of Orangetown

RESOLUTION NO. 351 - Continued

Highway Department Adopt-A-Spot Agreement between the Town of Orangetown Highway Department and the "Campbell Avenue" Adopt-A-Spot Committee, Dated July 1, 2014.

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

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RESOLUTION NO. 352**APPOINT KATHRYN MURPHY
ADMINISTRATIVE SECRETARY I
PROVISIONAL/SUPERVISOR'S
OFFICE**

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

RESOLVED, that Kathryn Murphy is hereby appointed to the position of Administrative Secretary I, provisional, in the Supervisor's office, Grade 12, Step 1 at a salary of \$54,787.00, effective July 28, 2014.

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

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RESOLUTION NO. 353**ESTABLISH POSITION (DEME)
MAINTENANCE ELECTRICIAN**

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

RESOLVED, upon the recommendation of the Commissioner of DEME, the Human Resources Coordinator, and the Labor Management Committee, the position of Maintenance Electrician (Sewers), at Grade OC14A, Step1, with a starting salary of \$60,894.00 is hereby established.

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

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RESOLUTION NO. 354**CONTRACT/WD RISK MANAGEMENT**

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

RESOLVED, upon the recommendation of the Town Attorney, the Professional Services Agreement between the Town of Orangetown and WD Risk Management & Consulting is hereby approved and the Supervisor is authorized to execute the Agreement.

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

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RESOLUTION NO. 355**AUTHORIZE/2014 CHIP SEAL
PROGRAM/TAPPAN FIRE DISTRICT
PARKING LOT**

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

RESOLUTION NO. 355 - Continued

RESOLVED, upon the recommendation of the Highway Superintendent, the Town Board authorizes the Highway Department to include the Tappan Fire District parking lot located at 300 Western Highway, Tappan, in the Town's 2014 Chip Seal Program, and further authorizes the collection of \$7,126.92 from the Fire District to cover materials and labor costs.

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

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RESOLUTION NO. 356**AID/ROCKLAND COUNTY FEIS
GERMAN MASONIC HOME**

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

RESOLVED, that aid to the Rockland County FEIS, by supplying barricades, cones and signage and Auxiliary Police Officers, for the 41st Annual FEIS and Field Games, to be held at the German Masonic Home in Tappan, on Sunday July 20, 2014, is hereby approved.

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

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RESOLUTION NO. 357**APPROVE INTERMUNICIPAL
AGREEMENT/ROCKLAND
COUNTY/REIMBURSEMENT OF
COUNTER-TERRORISM TRAINING
COSTS**

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

RESOLVED, that the Supervisor is hereby authorized to sign an agreement with the County of Rockland, accepting reimbursement in the sum of TWENTY THOUSAND NINE HUNDRED THIRTY-TWO DOLLARS AND 00/00(\$20,932.00), as reimbursement for counter-terrorism training under the State Homeland Security Program and the LETPP Homeland Security Grant Program for the period September 1, 2011 through August 31, 2014.

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

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RESOLUTION NO. 358**ACCEPT/RECEIVE/FILE/ TOWN
CLERK'S OFFICE**

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

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

1. Agreement with Chestnut Ridge Transportation for Town's Day Camp bus transportation.
2. Agreement with Rockland County for Rockland County Stop DWI monies.
3. June 17, 2014 Regular Town Board Meeting minutes; June 10, 2014 Police Commission/Workshop/Executive Session minutes; June 18, 2014 & June 24, 2014 Executive Session minutes; and June 24, 2014 Workshop minutes.

RESOLUTION NO. 358 - Continued

4. Deed from Manhattan Woods for Ahlmeyer Drive turn around (RC Inst: 2014-16211), along with Title Insurance Policy, and Use & Maintenance Agreement for rock retaining wall and club house entrance wall (RC Inst 2014-16212).

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

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RESOLUTION NO. 359**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 \$1,639,196.08.

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

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RESOLUTION NO. 360**ENTER EXECUTIVE SESSION**

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 Chief Nulty, Captain Butterworth and Donna Morrision.

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 Police Officer candidates, Empire State Development and Park's Department legal matter, at 8:34 p.m. Supervisor Stewart said no further votes will be taken.

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

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RESOLUTION NO. 361**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 Edna Stewart, Pearl River; Florence Dosch, Pearl River; Tom O'Halloran, Pearl River; Margaret Taffuri, Pearl River; Marilyn Rose, Pearl River; and Calvin Parker, Nyack, at 10:38 p.m.

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