

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, AUGUST 11, 2015**

This Regular Town Board Meeting was opened at 7:30 p.m. Supervisor Stewart presided and Charlotte Madigan, 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
John Edwards, Town Attorney
Teresa Kenny, Deputy Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Joe Moran, Commissioner of DEMA
Robert Simon, Receiver of Taxes
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks, Recreation & Building Maint

Pledge of Allegiance to the Flag of the United State of America was led by Jeff Bencik.

Summary of Public Comments (RTBM):

John Buckley, Orangeburg, thanked the Town for aid, for the Orangeburg Library picnic. Mike Mandel, Pearl River, said an independent appraisal needs to be done for RPC-Lot 1 . He is in-favor of the creation of a Deputy Town Clerk position, due to the merger of the offices of the Town Clerk and Receiver of Taxes. A learning curve is part of the process and with millions of dollars collected by the tax office mistakes are not an option. This person will be responsible for the collection of taxes and insuring film companies follow the Town's rules and pay the required fees, that currently brings in several hundred thousand dollars a year. There is no reason that Orangetown cannot be the central for filming in the Hudson Valley. It is important that this position be created and filled now and not at the last minute.

Eileen Larkin, Palisades, spoke about high water bills and the desalination plant. The Town Board needs to continue to oppose rate increases and the desalination plant.

Heather Hurley, Pearl River, is looking forward to the Code being amended regarding Prohibit Uses. She would still like questions regarding Anellotech to be answered.

Dimitri Laddis, Piermont, believes it is imperative to protect our parklands from non-residents. He is glad there is movement toward a solution for allocation of the fields.

Amy Wertheim, Pearl River, spoke about rivers being contaminated by the EPA. She stressed the importance that local government has in making our community safe.

Manny Larenas, Pearl River, would like more discussions and hear comments from the Town Board regarding the allocation of Town fields.

Watson Morgan, Blauvelt, spoke about the youth sports agenda items. He agrees non-residents should pay a larger fee for use the Town's fields.

RESOLUTION NO. 352

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

Supervisor Stewart believes Charlotte Madigan's proposal for a Deputy Town Clerk is valid. Councilman Diviny agrees with Mike Mandel regarding the Deputy Town Clerk position. A referendum was done in consolidating the Receiver of Taxes with the Town Clerk.

Charlotte's proposal makes sense. If it is a Deputy, you do not have to worry about splitting titles or CSEA. The Board needs to vote on this position now.

Councilman Valentine agrees with the recommendation to hire a Deputy Town Clerk.

Charlotte deserves to have a Deputy sooner rather than later. He is in-favor of approving this position tonight to give security that he supports her on this proposal.

Councilman Troy supports the creation of a Deputy Town Clerk position. It is imperative to create this position now and then within the budget process fill this position.

Teresa Kenny said that Donna Morrison called the County and was told the Town Board can move forward with this issue.

Councilman Morr is comfortable to vote on this tonight.

Charlotte Madigan spoke and said as the most Senior Elected Official of Orangetown it is my job to represent the community and be proactive in my suggestions to the Town Board regarding the Consolidation of the Receivers Office with the Town Clerk. We have had discussions over the past two years and I have presented a conservative plan that provides a smooth transition for a difficult task. I appreciate the Town Boards support with the resolution creating this position.

Robert Simon asked to speak explaining that the Tax Receiver's responsibilities are not just standing at the counter accepting payment of taxes. The Receiver is also responsible for daily reports, batch reports, banking and keeping records for the auditors, balancing out accounts, receiving tax payments by mail, TSL or a tax service organization. It would be helpful, for the Town Clerk, to start observing, participant and be involved in the collection of taxes now. He is willing to help and assist in this transition.

RESOLUTION NO. 353

OPEN PH/PROPOSED LOCAL LAW NO. 3, 2015/POLICE REGULATION VEHICLES & TRAFFIC CHAPTER 39/PARKING IN TAPPAN

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

RESOLVED, the 8:00 pm public hearing to consider the adoption of Local Law 3, 2015, amending Chapter, 39, Vehicles and Traffic, Article I of the Town Code, regarding parking on designed highways in Tappan, is hereby opened.

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

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 08-A-15 and made a part of these minutes.

There were no public comments.

RESOLUTION NO. 354

CLOSE PH/ PROPOSED LOCAL LAW NO. 3, 2015/POLICE REGULATION VEHICLES & TRAFFIC CHAPTER 39/PARKING IN TAPPAN

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

RESOLVED, the public portion of this public hearing, to consider the adoption of Local Law 3, 2015, amending Chapter, 39, Vehicles and Traffic, Article I of the Town Code, regarding parking on designed highways in Tappan, is hereby closed.

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

RESOLUTION NO. 355**LEAD AGENCY/PROPOSED LOCAL
LAW NO. 3, 2015/POLICE REGULATION
VEHICLES & TRAFFIC CHAPTER
39/PARKING IN TAPPAN**

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

RESOLVED, the Town Board declares itself Lead Agency in this matter.

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

RESOLUTION NO. 356**SEQRA DECLARATION/ PROPOSED
LOCAL LAW NO. 3, 2015/POLICE
REGULATION VEHICLES & TRAFFIC
CHAPTER 39/PARKING IN TAPPAN**

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

RESOLVED, a SEQRA Declaration (Exhibit 08-B-15) of non-significance, indicating that the action the Town Board is contemplating will not have a significant negative impact on the environment, is hereby adopted.

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

RESOLUTION NO. 357**ADOPT LOCAL LAW NO. 3, 2015
POLICE REGULATION/VEHICLES &
TRAFFIC CHAPTER 39 PARKING IN
TAPPAN**

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

WHEREAS, the Town of Orangetown Traffic Advisory Board having investigated issues related to congestion and safety in the hamlet of Tappan, in and around Main Street, and having held public hearings on the matters, recommends the Town Board pass this proposed local law amending the Town Code;

WHEREAS, this proposed local law has been coordinated with the Highway Department and Police Department;

WHEREAS, the Highway Department and Police Department recommend that the Town Board pass this proposed local law amending the Town Code;

RESOLVED, Local Law 3, 2015, amending Chapter, 39, Vehicles and Traffic, Article I of the Town Code, regarding parking on designed highways in Tappan is hereby adopted.

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

**TOWN OF ORANGETOWN
PROPOSED LOCAL LAW 3, 2015
VEHICLES & TRAFFIC CHAPTER 39/PARKING IN TAPPAN**

Be it enacted by the Town Board of the Town of Orangetown as follows:

NORMAL = EXISTING LANGUAGE THAT WILL REMAIN
BOLD TYPE = PROPOSED ADDITIONS
~~STRIKEOUTS~~ = PROPOSED DELETIONS

Section 1. Title.

A Local Law amending Chapter 39 (Vehicles and Traffic), Article I (Vehicle and Traffic Regulations) of the Code of the Town of Orangetown.

Section 2. Amend § 39-6.E, by deleting the stricken language and substituting the language in bold:

39-6. Prohibition of parking on designated highways.

....

E. In the Hamlet of Tappan:

....

~~(9) On the west side of Main Street, along the entire frontage of the premises designated on the Orangetown Tax Map as Lot No. 6, Block 449, Map 47.~~

(9) On the west side of Main Street, from Old Tappan Road to the intersection of Main Street with Oak Tree Road.

Section 6. Effective date.

The provisions of this local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION NO. 358

**REAPPOINT/SANITATION COMMISSION
CHAIRMAN/CHARLES VEZZETTI**

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

RESOLVED, that the Town Board hereby reappoints Charles Vezzetti, as Chairman to the Sanitation Commission, for a period of one year, beginning January 1, 2015 and expiring December 31, 2015 and to make an appointment with Charlotte Madigan, Town Clerk, for Oath of Office.

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

RESOLUTION NO. 359

**REAPPOINT/SANITATION
COMMISSION/FRED CHADWICK**

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

RESOLUTION NO. 359 - Continued

RESOLVED, that the Town Board hereby reappoints Fred Chadwick, to the Sanitation Commission, for a period of four years, beginning May 31, 2015 and expiring May 31, 2019 and to make an appointment with Charlotte Madigan, Town Clerk, for Oath of Office.

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

Noes: None

RESOLUTION NO. 360**SET PUBLIC HEARING/BAMBOO
LOCAL LAW**

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

RESOLVED, that the Town Board hereby sets a public hearing, for September 29, 2015 at 8:00 pm, to consider amending Local Law No. 7 of 2002 (Chapter 24C of the Code of the Town of Orangetown) entitled "Property Maintenance", to add a new section 4.1 entitled "Regulation of Bamboo".

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

Noes: None

RESOLUTION NO. 361**APPROVE/SETTLEMENT/TAX
CERTIORARI/CLAUDE BAUMANN
85 HUNT ROAD/73.15-1-7**

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

RESOLVED, upon the recommendation of the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign the Stipulation of Settlement, regarding the tax certiorari proceeding *Claude Baumann v. The Town of Orangetown, et al.*, Tax Map designation 73.15-1-7, (85 Hunt Road, PRSD), for the tax assessment years 2010 through 2014, for a total refund by the County of \$3,059, a total refund by the Town of \$8,828 and a total refund by the School District of \$34,245. Interest on the Town's liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town.

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

Noes: None

RESOLUTION NO. 362**APPROVE/SETTLEMENT/TAX
CERTIORARI/103 GEDNEY ST.
66.31-1-1**

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

RESOLVED, upon the recommendation of the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign the Stipulation of Settlement, regarding the tax certiorari proceeding *103 Gedney Street v. The Town of Orangetown, et al.*, Tax Map designation 66.31-1-1, (103 Gedney Street, Nyack, NUFSD), for the tax assessment years 2011 through

RESOLUTION NO. 362 - Continued

2014, for a total refund by the County of \$2,336, a total refund by the Town of \$5,732 and a total refund by the School District of \$23,476. Interest on the Town's liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town.

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

RESOLUTION NO. 363**APPROVE/AGREEMENT SOUTH
ORANGETOWN CENTRAL SCHOOL
DISTRICT/BUILDING & FIELDS USE**

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

RESOLVED, that upon the approval of the Town Attorney's Office, the Town Supervisor is hereby authorized to sign the Inter-Municipal Agreement, with the South Orangetown Central School District, for use of certain school buildings and fields, for the term of July 1, 2015 through June 30, 2020; and with an option for renewal for five (5) years.

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

RESOLUTION NO. 364**AID/PEARL RIVER SEPTA CHILI
COOKOFF/LION'S CRAFT FAIR
FLEA MARKET**

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

RESOLVED, that the Town Board hereby authorizes the Highway and the Parks departments to lend assistance, including the use of (40) large garbage cans, message board and (4) port o sans, for the Chili Cook-off/Craft Fair/Flea Market, on Saturday, September 19, 2015, from 9 am to 4 pm. at the Central Avenue field in Pearl River.

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

RESOLUTION NO. 365**AID/PEARL RIVER DAY**

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

RESOLVED, that the Town Board hereby authorizes the Highway Department to lend assistance, including the use of trash cans, barricades, message board and detour signs, for Pearl River Day, on Saturday, October 10, 2015, from 7am to 8 pm.

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

RESOLUTION NO. 366**AID/ITALIAN FEAST/BLAUVELT
SONS OF ITALY**

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

RESOLVED, that the Town Board hereby authorizes the Highway Department to lend assistance, including the use of cones, barricades, message board, trash cans, fencing barrels and signage, for the Italian Feast on Thursday, September 17th thru 20th at the Masonic Fairgrounds, Tappan.

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

RESOLUTION NO. 367**AWARD BID/CURB & SIDEWALK
CONSTRUCTION/BELLAVISTA
CONSTRUCTION**

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 Curb and Sidewalk Construction, Replacement and Repair, which were received and publicly opened on July 17, 2015; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 08-C-15, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, this bid is hereby awarded to Bellavista Construction, Suffern New York, the lowest responsible bidder, at a cost of \$109,325.00. Work completed under this contract will be charged to Account # A.5410.457. This bid was advertised in the Town's official newspapers as well as being advertised through the Hudson Valley Municipal Purchasing Group.

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

RESOLUTION NO. 368**REJECT BID/RT. 340 SIDEWALK
PROJECT/GEMROSE UTILITY**

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

RESOLVED, that the Town Board rejects the bid from Gemrose Utility, Tenafly, NJ, the only bidder, which exceeded the allocated funding, for the Route 340 Sidewalk Project, Phase II, PIN 8059.03.

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

RESOLUTION NO. 369**AID/PRHS PEP RALLY AND BONFIRE**

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

RESOLUTION NO. 369

RESOLVED, that the Town Board hereby authorizes the Highway and Police departments to lend assistance, including the use of barricades, barrels and sand and (2) Auxiliary Police Officers, for crowd control & traffic, for the PRHS Pep Rally/Bonfire, on Friday, September 25,2015 at 7 pm.

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

RESOLUTION NO. 370**AID/ORANGEBURG LIBRARY
PICNIC**

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

RESOLVED, that the Town Board hereby authorizes the Highway Department to lend assistance, including the use of (5) recycling kiosks and (5) trash barrels, for the Orangeburg Library Picnic, on Saturday, September 19,2015, from 1 pm to 4 pm.

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

RESOLUTION NO. 371**APPROVE/HIGHWAY SURPLUS
EQUIPMENT/AUCTION**

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

RESOLVED, upon the recommendation of the Superintendent of Highways, the following is declared surplus equipment available for auction:

- | | | | |
|----|------|-----------------------|-------------------|
| 1. | 1999 | JCB 214S - Side Shift | SLP214FSWE0477375 |
| 2. | 1967 | Galion 503G Grader | 503-HG-05006 |

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

RESOLUTION NO. 372**AID/ROCKLAND ROAD RUNNERS
SOUTH NYACK TEN MILER**

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

RESOLVED, the Town Board hereby authorizes, the Department of Parks and Recreation to provide eights (8) portable toilets, to the Rockland Road Runners, for the South Nyack Ten Miler, to be held on September 13th, 2015.

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

RESOLUTION NO. 373**APPROVE/ELECTED & APPOINTED
OFFICIALS HOURS/NYS RETIREMENT
SYSTEM**

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

BE IT RESOLVED, that the Town of Orangetown hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Elected Official Title	Name	Registration Number	Standard Work Day Hrs/day	Term Begins/Ends	Participates Employer's Time Keeping System	Days/Month (based on record of activities)	Record Not Submitted
Supervisor	Andrew Stewart	5057127-2	7	01/1/14-12/31/15	No	23.78	
Town Clerk	Charlotte Madigan	3648368-3	7	01/1/14-12/31/17	No	25.71	
Receiver Taxes	Robert Simon	1254728	7	01/1/14-12/31/17	No	24.14	
Town Justice	Patrick Loftus	4197907-1	7	01/1/12-2/31/15	No	5.60	
Town Justice	Richard C. Finning	5000200-5	7	01/01/14-12/31/17	No	11.57	
Councilman	Denis Troy	3805585-1	7	01/1/14-12/31/17	No	13.12	
Councilman	Paul Valentine	5059952-1	7	01/1/12-12/31/15	No	8.45	
Councilman	Thomas Diviny	5000001-7	7	01/1/14-12/31/17	No	13.87	
Councilman	Thomas Morr	3810970-8	7	01/1/12-12/31/15	No		x
Assessor	Brian Kenney	367866-1	7	10/01/13-9/30/19	No	25.28	
Court Clerk	Maureen McGrath	40284903	7	01/1/14-12/31/17	Yes	n/a	
Planning Board	Bruce Bond	4344263-1	7	02/9/11-12/31/17	No		x
ACABOR	Brian Terry	6090584-1	7	11/5/14-12/31/2016	No		x
Zoning Board Member	Patricia Castelli	4332551-3	7	01/1/13-12/31/17	No		x
Planning Board	Kevin Garvey	4147276-2	7	03/7/12-12/31/18	No		x
Zoning Board member	Thomas Quinn	4343814-2	7	01/1/14-12/31/18	No		x
HABOR member	Scott Wheatley	3683288-9	7	03/25/14-12/31/17	No		x
Zoning Board	Daniel Sullivan	4337068-3	7	01/1/11-12/31/15	No		x
Director of DEME	Joseph Moran	3947391-3	7	11/7/11-12/31/16	No	22.02	
Supt. of Parks & Recreation	Aric Gorton	4315008-5	7	01/1/14-12/31/17	No	27.00	
Deputy Commissioner of DEME	Guy DeVincenzo	4273567-0	7	11/7/11-12/31/16	No	24.00	
Chief Plant Operator	Keneck Skibinski	1452475-5	7	11/7/11-12/31/16	No	25.50	
Director of OBZPAE	John Giardiello	3758740-9	7	01/1/14-12/31/17	No	25.71	
Finance Director	Jeffrey Bencik	6015142-0	7	01/1/14-12/31/15	No	21.71	
Highway Maintenance Sup. III	Michael Yannazzone	3109093-9	7	01/1/11-12/31/15	Yes	n/a	
Legal Stenographer	Mary Ferraro	4206467-5	7	01/1/14-2/31/17	Yes	n/a	
Human Resource Coordinator	Donna Morrison	3593908-1	7	06/12/13-12/31/17	Yes	n/a	
Secretarial Asst Legal	Barbara Dardzinski	3967340-5	7	01/1/14-12/31/15	Yes	n/a	
Information Service Specialist	Anthony Bevelacqua	4343680-7	7	01/1/14-12/31/17	Yes	n/a	
Town Attorney	John Edwards	3759999-0	7	01/1/14-12/31/15	No	19.50	
Deputy Town Attorney	Teresa Kenny	400079030	7	01/1/14-12/31/15	No	12.15	
Deputy Town Attorney	Dennis Michaels	3822027-3	7	01/1/14-12/31/15	No	10.60	

Deputy Town Attorney	Robert Magrino	369043-6	7	01/1/14-12/31/15	No	10.60	
Deputy Town Attorney	Denise Sullivan	3867448-7	7	01/1/14-12/31/15	No	10.25	
Deputy Town Attorney	Rick Pakola	4280548-1	7	01/1/14-12/31/15	No	10.60	
Animal Control Officer	Richard Padilla	3701419-8	7	01/1/14-12/31/17	Yes	n/a	

BE IT FURTHER RESOLVED, that this Resolution shall be posted for at least 30 days and a certified copy of the resolution shall be filed by the Clerk with the Office of the State Comptroller.

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

RESOLUTION NO. 374

APPROVE/2015 HOMESTEAD BASE PROPORTIONS & ADJUSTED BASE PROPORTIONS

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

RESOLVED, that upon the recommendation of the Assessor, the Town Board hereby adopts the Certificate of Current Homestead Base Proportions and Adjusted Base Proportions (Forms 6701 & 6703), pursuant to Article 19, Section 1903 of New York State Real Property Tax Law, for the Levy of Taxes on the 2015 Assessment Roll, and the Town Clerk is hereby authorized to affix Town Certification.

BE IT FURTHER RESOLVED, for comparison purposes, the following is a table indicating last year's Town-Wide & Town Outside Villages Adjusted Base Proportions:

Town-Wide	2014	2015	TOV 2014	2015
Homestead	64.6751	66.0007	63.83064	64.81862
Non-Homestead	35.3249	33.9993	36.16936	35.18198

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

RESOLUTION NO. 375

LEAD AGENCY / BOND \$2,700,000 RECONSTRUCTION/RESURFACING ROADS

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

WHEREAS, the Town Board seeks to make capital improvements in the nature of the reconstruction and resurfacing of various roads in the Town of Orangetown, Rockland County, New York, including sidewalks, curbs, gutters, drainage, landscaping and incidental costs, at a maximum estimated cost of \$2,700,000; and

WHEREAS, the Town intends to finance the aforesaid capital work, at the maximum cost, as stated, by and through the issuance of bonds in the maximum amount of \$2,700,000, pursuant to the provisions of the Local Finance Law; and

RESOLUTION NO. 375 – Continued

WHEREAS, the Town Board is the only involved agency in the review process under the State Environmental Quality Review Act relating to such action; and

WHEREAS, the Town Board has determined that it should act as lead agency in connection with the said action,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares itself to be lead agency under SEQRA, relating to certain capital reconstruction and resurfacing work on various roads in the Town of Orangetown, Rockland County, New York, including sidewalks, curbs, gutters, drainage, landscaping and incidental costs, at a maximum estimated cost of \$2,700,000, and to the financing thereof by and through the issuance of bonds in the said maximum estimated amount.

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

Noes: None

RESOLUTION NO. 376

**NEGATIVE DECLARATION UNDER
SEQRA/BOND \$2,700,000/ROADS
RECONSTRUCTION / RESURFACING**

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

WHEREAS, the Town Board of the Town of Orangetown has considered the Town's need to perform capital work in the nature of the reconstruction and resurfacing of various roads in the Town of Orangetown, Rockland County, New York, including sidewalks, curbs, gutters, drainage, landscaping and incidental costs, at a maximum estimated cost of \$2,700,000; and

WHEREAS, acting in its capacity as lead agency for environmental review under the State Environmental Quality Review Act ("SEQRA"), the Town Board has taken a hard look at such need, and at Town's its financial ability to meet and satisfy such need through capital financing,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The said action, consisting of capital improvements in the nature of the reconstruction and resurfacing of various roads in the Town of Orangetown, Rockland County, New York, including sidewalks, curbs, gutters, drainage, landscaping and incidental costs, at a maximum estimated cost of \$2,700,000, and to the issuance of bonds in the said maximum amount pursuant to the provisions of the Local Finance Law in order to finance such capital work, constitutes an "unlisted action" under SEQRA; and
2. The said action will not have a significant adverse impact on the environment in consequence of which the Board makes and adopts a Determination of Non-significance under SEQRA with respect thereto.

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

Noes: None

RESOLUTION NO. 377

**APPROVE/BOND \$2,700,000/ROADS
RECONSTRUCTION & RESURFACING
SUBJECT TO PERMISSIVE
REFERENDUM**

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

RESOLUTION NO. 377 - Continued

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Orangetown, Rockland County, New York, as follows:

Section 1. The reconstruction/resurfacing of roads in and for the Town of Orangetown, Rockland County, New York, including sidewalks, curbs, gutters, drainage, landscaping and incidental costs, is hereby authorized, SUBJECT TO PERMISSIVE REFERENDUM, at a maximum estimated cost of \$2,700,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$2,700,000 bonds of said Town, hereby authorized, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Orangetown, Rockland County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,
- and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

RESOLUTION NO. 377 - Continued

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town designated for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

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

RESOLUTION NO. 378**LEAD AGENCY / APPROVE
REFUNDING (SERIAL) BONDS (LAND
ACQUISITION)**

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

WHEREAS, the Town of Orangetown, Rockland County, New York (hereinafter, the "Town") heretofore issued \$4,860,000 Land Acquisition (Serial) Bonds, 2008, pursuant to a bond resolution authorizing said serial bonds and a bond determinations certificate of the Supervisor (hereinafter referred to as the "Refunded Bond Certificate"), such Land Acquisition (Serial) Bonds, 2008, maturing on January 1 annually in each of the years 2016 to 2032, both inclusive, as more fully described in the Refunded Bond Certificate; and

WHEREAS, it would be in the public interest to refund all or a portion of the outstanding principal balance of said bonds maturing in the years 2018 and thereafter (the "Refunded Bonds") by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will result in present value savings in debt service as so required by Section 90.10 of the Local Finance Law; and

WHEREAS, the Town Board is the only involved agency in the review process under the State Environmental Quality Review Act relating to such action; and

WHEREAS, the Town Board has determined that it should act as lead agency in connection with the said action,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares itself to be lead agency under SEQRA, relating to the approval of Refunding Serial Bonds, as aforesaid, and to the taking of all actions required to be taken in connection therewith.

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

RESOLUTION NO. 379**NEGATIVE DECLARATION UNDER
SEQRA APPROVE REFUNDING
(SERIAL) BONDS (LAND
ACQUISITION)**

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

WHEREAS, the Town Board of the Town of Orangetown has considered the financial and other benefits to the Town were the Town to refund all or a portion of the outstanding

RESOLUTION NO. 379 - Continued

principal balance of certain Land Acquisition (Serial) Bonds, 2008, issued pursuant to a bond resolution authorizing said serial bonds and a bond determinations certificate of the Supervisor (hereinafter referred to as the "Refunded Bond Certificate"), such Land Acquisition (Serial) Bonds, 2008, maturing on January 1 annually in each of the years 2016 to 2032, both inclusive, as more fully described in the Refunded Bond Certificate; and

WHEREAS, it would be in the public interest to refund all or a portion of the outstanding principal balance of said bonds maturing in the years 2018 and thereafter (the "Refunded Bonds") by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, acting in its capacity as lead agency for environmental review under the State Environmental Quality Review Act ("SEQRA"), the Town Board has taken a hard look at the proposed action, and at benefits that will attend and result from such action,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

(1) The said action, consisting of the refunding of all or a portion of the outstanding principal balance of certain Land Acquisition (Serial) Bonds, 2008, maturing in the years 2018 and thereafter (the "Refunded Bonds") by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law constitutes an "unlisted action" under SEQRA; and

The said action will not have a significant adverse impact on the environment in consequence of which the Board makes and adopts a Determination of Non-significance under SEQRA with respect thereto.

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

RESOLUTION NO. 380**APPROVE/REFUNDING (SERIAL)
BONDS/2008 LAND ACQUISITION**

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

WHEREAS, the Town of Orangetown, Rockland County, New York (hereinafter, the "Town") heretofore issued \$4,860,000 Land Acquisition (Serial) Bonds, 2008, pursuant to a bond resolution authorizing said serial bonds and a bond determinations certificate of the Supervisor (hereinafter referred to as the "Refunded Bond Certificate"), such Land Acquisition (Serial) Bonds, 2008, maturing on January 1 annually in each of the years 2016 to 2032, both inclusive, as more fully described in the Refunded Bond Certificate; and

WHEREAS, it would be in the public interest to refund all or a portion of the outstanding principal balance of said bonds maturing in the years 2018 and thereafter (the "Refunded Bonds") by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will result in present value savings in debt service as so required by Section 90.10 of the Local Finance Law; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Orangetown, Rockland County, New York, as follows:

Section 1. For the object or purpose of refunding the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are

RESOLUTION NO. 380 - Continued

to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, and (iv) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$3,600,000 refunding serial bonds of the Town pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$3,305,000, as provided in Section 4 hereof. The Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-15 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Supervisor pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law and pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Supervisor shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Supervisor.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the Town shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to The Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Town clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the Town maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or last business day of the calendar

RESOLUTION NO. 380 - Continued

month preceding each interest payment date as appropriate and as provided in a certificate of the Supervisor providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Supervisor as fiscal agent of the Town for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The Supervisor, as chief fiscal officer of the Town, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he or she shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said Town, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the Town, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Supervisor is also hereby authorized to name the Town Clerk as the Fiscal Agent in connection with the Refunding Bonds.

The Supervisor is hereby further delegated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Supervisor, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds, for the class of objects or purposes financed by the Refunded Bonds, pursuant to paragraph a of Section 11.00 of the Local Finance Law, is thirty years;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of the class of objects or purposes for which said Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law, as applicable;

RESOLUTION NO. 380 - Continued

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the aggregate of the refunding's authorized by this resolution (collectively, the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding's, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and hereby made a part hereof. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series to refund all of the Refunded Bonds in the principal amount of \$3,305,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in said Exhibit A. This Town Board recognizes that the Refunding Bonds may be issued in one or more series, and for all of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the Town will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The Supervisor is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the Supervisor; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law as applicable. The Supervisor shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Town Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The Supervisor is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said Supervisor shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said Town of Orangetown, Rockland County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall be annually levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the Town to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien

RESOLUTION NO. 380 - Continued

shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the Town shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an “arbitrage bond” as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the Town hereby elects to call in and redeem each of the Refunded Bonds which the Supervisor shall determine to be refunded in accordance with the provisions of Section 4 hereof and with regard to which the right of early redemption exists. The sum to be paid therefor on such redemption date shall be the par value thereof, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private sale to an underwriter as shall be determined by the Supervisor. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as may be required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the Supervisor, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the Supervisor to the purchaser or to the Underwriter in accordance with said purchase contract upon the receipt by the Town of said the purchase price, including accrued interest.

Section 11. The Supervisor and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Supervisor and all powers in connection thereof are hereby delegated to the Supervisor. The Supervisor shall be further authorized to issue said Refunding Bonds pursuant to Section 90.10 of the Local Finance Law as said officer shall determine necessary.

Section 13. The validity of the Refunding Bonds may be contested only if:

- Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,
- and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- Such obligations are authorized in violation of the provisions of the Constitution.

RESOLUTION NO. 380 - Continued

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspapers of said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

RESOLUTION NO. 381**ACCEPT/RECEIVE/FILE/ TOWN
CLERK'S OFFICE**

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

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

- Letter of Extension Agreement with the Noble Ninth for the Orangetown Summer Camp.
- Sparkill-Palisades Fire District and Nyack Joint Fire District, Independent Auditor's Reports for year 2014.
- Village of Nyack certified copy of Resolution No. 26, authorizing the installation of a Network Connection to 30 South Franklin St.
- 2015 Agreement with Hi-Tor Animal Care Center, Inc.
- June 16th and July 14, 2015 Regular Town Board Meeting/Executive Session minutes; June 23, 2015 Special Town Board Meeting/Executive Session minutes; and July 7, 2015 Workshop minutes.
- DEME SPDES NY – 0026051; June 2015 Monthly Report.

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

RESOLUTION NO. 382**AWARD RFP/SIDEWALK
SAWCUTTING/PRECISION
CONCRETE CUTTING/HIGHWAY
DEPARTMENT**

Under new business, 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 RFP for Sidewalk Sawcutting is hereby awarded to Precision Concrete Cutting, Montgomery, NY, the only qualified bidder to meet Town Specifications, at a cost of \$33.00 per inch/foot, not to exceed \$50,000. Work completed under this contract will be charged to Account #A.5410.457.

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

A resolution for Orangetown Sports Field Use Allocation Policy and Orangetown Soccer Complex Use Agreement Amendments were made but received no second.

RESOLUTION NO. 383**AID/ROCKLAND COUNTY TRAFFIC SAFETY BOARD/CAR SHOW**

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

RESOLVED, that the Town Board hereby authorizes the Highway and Parks & Recreation departments to lend assistance, including the use of barricades, garbage cans, message board and (4) port-o-sans, for the Rockland County Traffic Safety Board Car Show, to be held on Saturday, August 15, 2015, from 8 a.m. to 2 p.m., at the Central Avenue Field in Pearl River.

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

RESOLUTION NO. 384**CREATE/DEPUTY TOWN CLERK**

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

RESOLVED, upon the recommendation of the Town Clerk and the Director of Personnel create the position of Deputy Town Clerk, to serve at the pleasure of the Town Clerk, effective August 12, 2015

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

RESOLUTION NO. 385**AID/RIDGE STREET CLASSIC**

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

RESOLVED, that the Town Board hereby authorizes the Police, Highway and Parks and Recreation departments to lend assistance, including the use of port-o-johns, large garbage cans recycle bins and lighting, subject to the submittal of the required paperwork, for the Ridge Street Classic, on September 6, 2015.

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

RESOLUTION NO. 386**PAY VOUCHERS**

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

RESOLVED, upon the recommendation of the Finance Director, 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 for a total amount of \$1,678,371.28.

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

RESOLUTION NO. 387**ENTER EXECUTIVE SESSION
POLICE DISCIPLINARY MATTER**

In attendance, at this Executive Session, were Supervisor Stewart, Councilpersons Troy, Diviny, Morr and Valentine, Charlotte Madigan, John Edwards, Teresa Kenny and Kevin Nulty, Police Chief.

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

RESOLVED, at 10:05 p.m., the Town Board entered Executive Session to discuss a particular Police disciplinary matter. Supervisor Stewart said no further votes will be taken.

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

RESOLUTION NO. 388**RE-ENTERED RTBM
ADJOURNED/MEMORY**

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

RESOLVED, at 10:30 p.m., the Town Board re-entered the Regular Town Board Meeting and adjourned, in memory of Randy Hunter, formerly of Pearl River; Theresa Mulderrig, Pearl River; Norma Rufo-Seebach, wife of employee Allan Seebach, Jr.; Joseph Low, father of Legislator Nancy Low-Hogan; Linda Grace Brawner Sullivan, Piermont; Mary McDonagh, Pearl River; and Bonnie Walsh, wife of former Councilman Gerry Walsh.

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

Charlotte Madigan, Town Clerk