

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, AUGUST 12, 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:

Absent: 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
Denise Sullivan, Deputy Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks and Recreation

Esta Baitler led the Pledge of Allegiance to the Flag.

Summary of Public Comments:

The following Pearl River residents implored the Town Board to reconsider the Hillside project: Bill Clark, Joanne DiLorenzo, Amy Bach, Lisa Sheridan, Michael Palk, Peggy Powers and Mary Gildea. The site is wetlands and in a flood zone. There are still traffic safety issues. They questioned the amount of parking spaces, and the two-story building. This is in a very stressed environmental sensitive area. The DOT has unanswered questions and Rockland County Drainage and the Army Corps have not issued any permits. How can the Planning Board give final approval and who has the proper authority to block the Planning Board's decision? Bridget Killen, PR Saloon owner, explained, after Hurricane Irene, they were closed with costly damage and renovations. If the Hillside project is approved, the Saloon may not survive future floodings.

Carmel Reilly, Pearl River, read a letter from Dennis Lynch, Esq. to Rob Magrino, Deputy Town Attorney (Exhibit 08-A-14) regarding the Planning Board's legal authority.

The following parents spoke regarding the OMM fields. They informed the Town Board that the Rockland Football Club (RFC), they believe, has been denied access to the OMM fields. Manuel Larenas, RFC, along with Dimitri Laddis, Stephen Felter and Jake Laddace of Piermont; John and Allyn Flaherty, Mary Kate O'Callaghan, Peter Close, of Pearl River; Spenta Cama of Tappan; Julie Atlas and Bridget Pitt of Orangeburg; Greg Fullara, Watson Morgan, Bill Oettinger of Blauvelt, and Laurel Kennedy want the RFC and our youths to have access to the Town fields, transparency, a schedule to be posted, and a roster be standard for all teams. OMM, RFC and the Parks Dept. should meet and combine their schedules:

Kerry Beckmann, OMM President, along with Frank Payne, OMM Vice President gave a history of OMM. When asked for more field use to allow for a new program, they were told the Town will not take field time away from other existing programs. The audits from OMM are sent to the Town Board and are available for public view.

A.J. Lee, Blue Hill Golf Professional, said the golf bag drop is not efficient. The money would be better spent to repair sheds, landscape the course entrance or a PA system.

Michael Mandel, Pearl River, said the website should be utilized for all issues like the vandalism. He asked for the status of the Recreation Complex at RPC. A discussion about the golf bag drop and other golf issues should be open to the public.

Ester Baitler, Sparkill, asked for the status of the additional sidewalks along Route 340. She wants lights on the Rail Trail path.

Sheila Schneider, Pearl River, spoke about dangerous conditions (speeding, noise, buses idling and trucks) on Orangeburg Road.

Walter Wettje, Pearl River, believes that the Supervisor lacks concern regarding crime and vandalism. Criminal acts violate our quality of life and residents are entitled to a full explanation. He calls on the Supervisor and Chief of Police to hold themselves accountable and responsible. He wants to ensure a proper plan is in place to fully inform the residents.

Andrew Wiley, Pearl River, spoke of process problems with Planning Board and Zoning Board applications. All Quality of Life issues need to be addressed; reliable information should be passed on to the community and the fields should have been developed for multiple sports. Bill Ricaldo, Southern Region CSEA President, said that the grievance that went to arbitration and signed in good faith has not been honored to date. Personnel issues are being taken to arbitration and it costs the Town more money when this happens.

RESOLUTION NO. 369

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

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

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RESOLUTION NO. 370

**BUDGET SCHEDULE/ADD MEETING
WITH FINANCE AND DEPARTMENT
HEADS**

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

RESOLVED, Town Board schedules a Special Meeting of the Town Board for conducting a facilities tour of some or all town departments on 10/4, 10/5, or 10/11 at 9 AM.

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

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RESOLUTION NO. 371

**POLICE REGULATION/TRAFFIC
ADVISORY BOARD/TAPPAN
PARKING/CENTRAL AND SOUTH
SUMMIT AVENUES**

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

WHEREAS, the Traffic Advisory Board has received various complaints from homeowners on or near to Central Avenue and South Summit Street in Tappan relating to congestion and other safety concerns;

WHEREAS, the Traffic Advisory Board met with various residents of the area;

WHEREAS, the Traffic Advisory Board sent letters to all residents proposing restricted parking on the streets and seeking input from the residents;

WHEREAS, the Traffic Advisory Board determined that there was no opposition among the residents to restricting parking;

WHEREAS, after due deliberation and coordination with the Highway Department and the Police Department, the Traffic Advisory Board recommends parking restrictions for a six month trial period to determine whether the parking restrictions serve the public interest;

WHEREAS, the Highway Department concurs with this recommendation;

RESOLUTION NO. 371 - Continued

WHEREAS, the Police Department concurs with this recommendation;

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

NOW BE IT RESOLVED, that for a period of six months beginning on August 13, 2014, there shall be no parking on Central Avenue in Tappan on the west side from Cedar Street to Old Tappan Road;

NOW BE IT FURTHER RESOLVED, that for a period of six months beginning August 13, 2014, there shall be no parking on the south side of Cedar Street in Tappan from Summit Street to Western Highway;

NOW BE IT FURTHER RESOLVED, that the Highway Department is authorized to mark the areas with appropriate signage; and

NOW BE IT FURTHER RESOLVED, that the Traffic Advisory Board is directed to review periodically the traffic safety of these areas and, if appropriate, at the end of the six month trial period, propose a permanent change to the Town Code incorporating the parking restrictions;

NOW BE IT FURTHER RESOLVED, that these parking restrictions will expire on , February 13, 2015, unless they are extended by the Town Board or made permanent by being voted into local law.

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

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RESOLUTION NO. 372

**ACCEPT/RECEIVE/FILE
ORANGEBURG COMMONS
IRREVOCABLE DEDICATIONN (S
GREENBUSH RD) /STORM WATER
MAINTENANCE AGREEMENT/TITLE
INSURANCE POLICY/**

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

RESOLVED, that upon recommendation of the Town Attorney's Office, the Department of Environmental Management and Engineering and the Superintendent of Highways, accept receive and file an Irrevocable **Offer** of Dedication for the cul de sac and center island portions of South Greenbush Road and a Storm Water Maintenance Agreement from FB Orangetown, LLC for the Orangeburg Commons project, Route 303 and Stevens Way, Orangeburg, NY, pursuant to Planning Board Decisions 2013-49 and 2013-50, and authorize the Town Supervisor or his designee to execute any and all documents necessary to accept these items. The cul de sac portion of South Greenbush Road referenced herein **is not dedicated** a Town road until such time as **the Town Board formally accepts same by separate Town Board resolution**, as per the terms of the Irrevocable Offer of Dedication, to be filed in the Rockland County's Clerk Office and Town Clerk's Office.

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

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RESOLUTION NO. 373

**BLAUVELT FIRE PROTECTION
DISTRICT/ NO OBJECTIONS TO MAP
OF WEST NYACK FIRE DISTRICT**

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

WHEREAS, Town Law §176(5) requires fire districts to prepare a map showing the exact boundaries of the fire district, and

WHEREAS, the Board of Fire Commissioners of the West Nyack Fire District has provided notice of a map of the West Nyack Fire District labelled “West Nyack Fire District 24” as prepared by the Rockland County Planning Department – Geographical Information Systems (GIS) and dated July 3, 2013 to the Blauvelt Fire Protection District; and

WHEREAS, said West Nyack Fire District Boundary Map was accepted and approved by the Board of Fire Commissioners of the West Nyack Fire District at a regular meeting held on June 1, 2009 by Resolution #2009-35;

WHEREAS, the Blauvelt Fire Protection District has compared the boundary lines between the Blauvelt Fire Protection District and the West Nyack Fire District as shown on the map, and has no objections to the boundary lines as shown on the West Nyack Fire District Map; and

NOW THEREFORE, be it RESOLVED, that the Blauvelt Fire Protection District has no objections to the proposed “West Nyack Fire District 24” boundary line map.

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

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RESOLUTION NO. 374

**APPROVAL OF MAP OF THE
SPARKILL-PALISADES FIRE
DISTRICT**

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

WHEREAS, Town Law §176(5) requires fire districts to prepare a map showing the exact boundaries of the fire district, and

WHEREAS, the Board of Fire Commissioners of the Sparkill-Palisades Fire District has requested the Town Board of the Town of Orangetown approve the Sparkill-Palisades Fire District Boundary Map labelled “Sparkill Fire District 16” as prepared by the Rockland County Planning Department – Geographical Information Systems (GIS) and dated September 2009; and

WHEREAS, said Sparkill-Palisades Fire District Boundary Map was accepted and approved by the Board of Fire Commissioners of the Sparkill-Palisades Fire District at a regular meeting held on May 6, 2014;

WHEREAS, the Sparkill-Palisades Fire District (the "Fire District") has complied with the provisions of Town law §176(5), and

WHEREAS, the Sparkill-Palisades Fire District has provided the Town Board of the Town of Orangetown, New York (the "Town") with the proposed map and proof of service upon adjacent fire districts of the proposed map, and

WHEREAS, the Town Board has been advised and believes that no objections to the proposed map have been filed,

RESOLUTION NO. 374 - Continued

NOW THEREFORE, be it RESOLVED as follows:

1. That the proposed map of the Sparkill-Palisades Fire District is hereby approved.
2. The Town Clerk, pursuant to Town Law §176(5) is directed to notify the adjacent fire districts of the filing and approval of the said map, to wit: the Orangeburg Fire District, the Tappan Fire District; and that a copy be sent to the Empire Hose Co. #1 located in the Village of Piermont.
3. That the Town Clerk is further directed to file a certified copy of the map in the Offices of the Rockland County Clerk as well as to publish a notice of the filing of the said map in the official newspaper of the Town.

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

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RESOLUTION NO. 375

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

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

RESOLVED, upon recommendation of Finance Director, that the Town Board agrees to hire Harbridge Consulting Group, LLC, to perform the following tasks for a fee not to exceed \$15,000:

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 Diviny, Troy, Morr
Supervisor Stewart
Noes: None
Absent: Councilperson Valentine

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RESOLUTION NO. 376

**BID/REJECTION/CAST IRON CURB
INLET**

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

RESOLVED, the Town of Orangetown rejects (2) bids received from, Campbell Foundry Company, Harrison, New Jersey, and Chemung Supply Corporation, Elmira, New York, for the Cast Iron Curb Inlet.

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

RESOLUTION NO. 377

**SHOWMOBILE USE/SONS OF ITALY
ITALIAN FEST**

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

RESOLVED, upon the recommendation of the Superintendent of Parks, Recreation & Buildings, the use of the Orangetown Showmobile, by the Blauvelt Sons of Italy Lodge # 2176 on Wednesday, September 10, 2014 until Sunday, September 14, 2014, for the Italian Feast at a rental cost of \$350.00 with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured is hereby approved.

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

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RESOLUTION NO. 378

**SHOWMOBILE/ST THOMAS
AQUINAS COLLEGE (STAC)**

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

RESOLVED, upon the recommendation of the Superintendent of Parks, Recreation & Buildings, the use of the Showmobile, by St. Thomas Aquinas College, for the Fall Bon Fire to be held on Monday, September 8th, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured is hereby approved.

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

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RESOLUTION NO. 379

**SHOWMOBILE FEE WAIVER/ST
THOMAS AQUINAS COLLEGE
(STAC)**

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

RESOLVED, the Town Board authorizes the Parks Department to waive the showmobile rental fee for STAC, September 8, 2014, subject to memo of understanding to be approved by the Town Attorney concerning Town Parks access to STAC buildings for emergency summer day camp use, during heat wave in 2013, and subject to Town Board approval of STAC application to use showmobile on September 8, 2014.

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

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RESOLUTION NO. 380

**PERMISSION GRANTED/BASIC
JUVENILE OFFICER'S CLASS**

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

RESOLUTION NO. 380 - Continued

RESOLVED, that permission is hereby granted, for a Police Officer, to attend the Basic Juvenile Officer's Class, at the NYS Juvenile Officers Conference, Syracuse, NY, on August 24-29, 2014, at a cost of \$1,453.00, to be charged to Account No. B.3120.408.16.

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

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RESOLUTION NO. 381

**NARCAN TRAINING/ROCKLAND
PARAMEDICS/MOU**

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

RESOLVED, the Chief of Police is hereby authorized to sign a Memorandum of Understanding (MOU), with the Rockland Paramedic Services, Inc., that would entitle members of the Orangetown Police Department, to be trained in accordance with Public Health Law Part 80.138, without charge, to be NYS Opioid Overdose Responders. The term of this MOU shall be from July 7, 2014, through July 7, 2015, with renewal options subject to mutual approval, unless terminated prior to that date.

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

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RESOLUTION NO. 382

**ADOPT/CERTIFICATE OF CURRENT
HOMESTEAD BASE PROPORTIONS
ADJUSTED BASE PROPORTIONS**

Councilman Morr 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 Certificated of Current Homestead Base Proportions and Adjusted Base Proportions (Forms 6701 & 6703), pursuant to Article 19, Section 1903 of the Real Property Tax Law for the Levy of Taxes on the 2014 Assessment Roll, and the Town Clerk is hereby authorized to affix Town Certification.

The following is a summary as compared to the previous year for your information indicating the Adjusted Base Proportions to be utilized:

<u>Class</u>		<u>2013</u>	<u>2014</u>
Townwide:	Homestead	66.19896	64.67510
	Non-Homestead	33.80104	35.32490
Town Outside:	Homestead	65.39349	63.83064
	Non-Homestead	34.60651	36.16936
South Orangetown	Homestead	71.75965	69.98150
	Non-Homestead	28.24035	30.01850
Pearl River	Homestead	67.4845	66.1840
	Non-Homestead	32.5155	33.8160
Nyack	Homestead	62.11841	60.35713
	Non-Homestead	37.88159	39.64287

RESOLUTION NO. 382 - Continued

Nanuet	Homestead	24.91949	23.12765
	Non-Homestead	75.08051	76.87235

Ayes: Councilpersons Morr, Troy, Diviny
Supervisor Stewart

Noes: None

Absent: Councilperson Valentine

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RESOLUTION NO. 383

**APPROVE INTERMUNICIPAL AGREEMENT
VILLAGE OF SPRING VALLEY/ USE OF
TOWN PROPERTY/SWAT TEAM TRAINING**

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

RESOLVED, that the Town Board hereby approves a License Agreement between the Town and the Village of Spring Valley, for the use of the presently unoccupied Town owned property known as the “John Perry House”, located at 295 Blue Hill Road, Pearl River (the “Licensed Premises”), by the Spring Valley Police Department, for Special Weapons and Tactical Training Team on August 19, 2014 (or a different date to which the Superintendent of Parks, Recreation & Buildings may agree, if and as may be required); and

BE IT FURTHER RESOLVED, that the Supervisor or his designated representative shall be authorized to execute such Agreement.

A copy of the said License Agreement approved hereby, with provisions for insurance, indemnification and property damage in favor of the Town, and otherwise as approved by the Town Attorney, is incorporated herein by reference.

Ayes: Councilpersons Diviny, Morr, Troy
Supervisor Stewart

Noes: None

Absent: Councilperson Valentine

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RESOLUTION NO. 384

**APPROVE AGREEMENT/CTR-NY
PAYROLL AUTOMATION
SOFTWARE AND TIME CLOCKS**

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

RESOLVED, the Town Board authorizes the Supervisor to sign an agreement with CTR-NY for payroll software and hand scanners for an amount not to exceed, **\$16,000** for licensing and \$1700 in annual maintenance contract cost, and to take such other action as necessary to implement this updated, and labor-saving, technology.

Ayes: Supervisor Stewart
Councilpersons Troy, Morr, Diviny

Noes: None

Absent: Councilperson Valentine

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RESOLUTION NO. 385

APPROVE AID/RIDGE ST-CLASSIC

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

RESOLUTION NO. 385 - Continued

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreations and the Superintendent of Highways, aid for the Ridge Street Classic, by providing, (3) port-o-johns, (8) garbage cans, (4) recycling kiosks and lighted barricades. Event to run from 9 am to 10 pm on Ridge Street, between Gilbert Avenue and Cardell Street.

Ayes: Councilpersons Diviny, Troy, Morr
Noes: None
Absent: Councilperson Valentine

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RESOLUTION NO. 386

**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. July 15, 2014 Regular Town Board Meeting minutes; and July 22, 2014 Special Town Board Meeting/Executive Session minutes.

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

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RESOLUTION NO. 387

PAY VOUCHERS

Councilman Diviny 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 \$2,121,541.49.

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

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RESOLUTION NO. 388

ENTER EXECUTIVE SESSION

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

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 get legal counsel/Parks Department and discuss candidates for land use boards, at 11:55 p.m. Supervisor Stewart said no further votes will be taken.

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

RESOLUTION NO. 389

**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 John Foody, Blaauvelt, and Orangetown Planning Board member; Janet Howell Leiper, Blaauvelt/Sparkill and WWII Veteran; and Catherine Burke Dooley, Pearl River, at 12:50 a.m.

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

Charlotte Madigan, Town Clerk