

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, AUGUST 28, 2012**

This Town Board Meeting was opened at 7:35 p.m. Supervisor Stewart presided and the Deputy Town Clerk called the Roll. Present were:

Councilman Denis Troy
Councilman Thomas Diviny
Councilman Thomas Morr
Councilman Paul Valentine

Also present: Teresa Accetta-Pugh, Deputy Town Clerk
John Edwards, Town Attorney
Teresa Kenny, First Deputy Town Attorney
Suzanne Barclay, Deputy Supervisor of Operations
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways
Joseph Moran, Commissioner of DEME
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks-Rec & Building Maint.
Robert Simon, Receiver of Taxes (arrived at 8:05 pm)

Town Board led the Pledge of Allegiance to the Flag.

Chris Del Giudice of Wilson-Elser, explained that they are trying to get the restriction of 216 acres of the RPC property be used for recreation or municipal use by 2015 lifted. He said this restriction could be extended for 5 years by the Empire State Building Corporation. The Board of Directors for the Empire State Building Corporation may vote on this at their September meeting. Robert Spoizino of Wilson-Elser said State officials are looking for development plans and the creation of jobs. The Town Board should move forward with a master plan, formulate the zoning and SEQRA process. Representatives from the NYS Office of General Services and Office of Mental Health will take a tour of the RPC property and meet with the Town, the first week in October.

Summary of Public Comments (RTBM):

Nancy Antonucci, Chairperson of REASON, is concerned about the development of RPC. REASON wants to preserve the Town's integrity and the health and safety of the Town. Genevieve Coffey, Pearl River, spoke about the swale problem on her property and thanked the Town Board for their help with solving this matter. Mike Mandel, Pearl River, spoke about the cost of port-a-johns and that event organizers should pay for them. He is in favor of enhancing the Project Review Committee and a grant writer. Laura Davie, Greenbush Presbyterian Church, said no parking on Western Highway is problematic for the church and hopes for a compromise. Eileen Larkin, Palisades, hopes the Town Board will consider senior housing on the RPC property and a memorializing resolution regarding the Desalination plant. She is in favor of the Project Review Committee's enhancement.

RESOLUTION NO. 379

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

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

RESOLUTION NO. 380**OPEN PH/ADDRESSING PROPERTY
MAINTENANCE CODE VIOLATIONS
2 PARKWAY DRIVE/26 N TROOP
ROAD BLAUVELT**

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

RESOLVED, that the 8:00 p.m. public hearing to address Property Maintenance Code Violations (24C-15) for the following properties is hereby opened.

1. 2 Parkway Drive, Blauvelt, NY 10913 – SBL 70.13.3.33
2. 26 N Troop Road, Blauvelt, NY 10913 – SBL 70.14-2-42

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

Noes: None

John Giardiello, Director of OBZPAE, explained that both properties are in foreclosure and residents are absent.

Summary of Public Comments:

Genevieve Coffey, Pearl River, suggested young people donate their time to clean-up properties in violation.

Eileen Larkin, Palisades, is concerned with the long length of time it takes to settle code violations. She believes many parts of the Town Code needs to be updated.

RESOLUTION NO. 381**CLOSE PH/ADDRESSING PROPERTY
MAINTENANCE CODE VIOLATIONS
2 PARKWAY DRIVE/26 N TROOP
ROAD BLAUVELT**

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

RESOLVED, that the public portion is hereby closed.

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

Noes: None

RESOLUTION NO. 382**LEAD AGENCY/PROPERTY
MAINTENANCE CODE VIOLATIONS
2 PARKWAY DRIVE/26 N TROOP ROAD
BLAUVELT**

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

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

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

Noes: None

RESOLUTION NO. 383**SEQRA DECLARATION/PROPERTY
MAINTENANCE CODE VIOLATIONS
2 PARKWAY DRIVE/26 N TROOP
ROAD BLAUVELT**

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

Resolution No. 383 - Continued

RESOLVED, that a SEQRA Declaration 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; a copy is labeled Exhibit 08-A-12 and made a part of these minutes.

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

RESOLUTION NO. 384**TOWN BOARD DECISION/PROPERTY
MAINTENANCE CODE VIOLATIONS
2 PARKWAY DRIVE/26 N TROOP ROAD
BLAUVELT**

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

RESOLVED, that upon the failure of the owner, tenant or occupant with Notice to Correct Property Maintenance Violations, the Town Board directs the Town of Orangetown, its designee or agent, or a private contractor to clean-up the properties located at 2 Parkway Drive, Blauvelt, (70.13-3-33) and 26 N Troop Road, Blauvelt (70.14-2-42), at a cost not to exceed \$3,000.00 for both properties and a lien to be placed on each property for the cost.

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

RESOLUTION NO. 385**COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items 1 thru 8 are hereby combined.

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

RESOLUTION NO. 386**APPROVE AID/ROCKLAND ROAD
RUNNERS/S NYACK TEN MILER**

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

RESOLVED, that aid to the Rockland Road Runners Club, by providing seven port-o-johns (2 handicapped), for the 24th Annual South Nyack Ten Miler, on Sunday, September 9, 2012, 8:30 AM, at the South Orangetown Fire House, 90 Depot Place, South Nyack is hereby approved.

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

RESOLUTION NO. 387**GRANT PERMISSION/VILLAGE OF
SOUTH NYACK/10-MILE RUN**

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

RESOLVED, that permission is hereby granted to the Village of South Nyack, by allowing runners in the 24th Annual 10-Mile run, to use sections of South Broadway between

Resolution No. 387 - Continued

Livingston Place and the entrance to the Esposito Memorial Trail and the portion of the trail, which is located in the unincorporated portion of the Town of Orangetown. (No road closing is required).

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

RESOLUTION NO. 388**APPROVE AID/PEARL RIVER
HOOK & LADDER/CAR SHOW**

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

RESOLVED, that aid to Pearl River Hook & Ladder Co. No. 1, by providing 2 port-o-johns and 15-55 gallon drums for garbage, for the Annual Car Show on Sunday, September 23, 2012. (rain date September 30, 2012), to be held at the Central Avenue field in Pearl River is hereby approved.

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

RESOLUTION NO. 389**APPROVE AID/BLAUVELT LIONS
CLUB/APPLEFEST**

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

RESOLVED, that aid to the Blauvelt Lions Club, by providing 2 port-o-sans, (1 regular and 1 handicapped) and recycling bins, for the Applefest on September 30, 2012, to be held at Flywheel Park in Piermont is hereby approved.

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

RESOLUTION NO. 390**APPROVE AID/BLAUVELT SONS OF
ITALY/ITALIAN FEAST**

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

RESOLVED, that aid to the Blauvelt Sons of Italy, by providing 4 port-o-johns, and barricades for pedestrian safety, for the Italian Feast on September 13-16, 2012, to be held at the German Masonic Home in Tappan is hereby approved.

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

RESOLUTION NO. 391**APPROVE SHOWMOBILE/NYACK
CHAMBER/SEPTEMBERFEST**

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

Resolution No. 391 - Continued

RESOLVED, that the use of the Showmobile, by the Nyack Chamber of Commerce, for their Septemberfest on Sunday, September 9, 2012, at a rental cost of \$350.00 and the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured is hereby approved.

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

RESOLUTION NO. 392**APPROVE AID & SHOWMOBILE
PEARL RIVER CHAMBER/PEARL
RIVER DAY**

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

RESOLVED, that the use of the Showmobile, by the Pearl River Chamber of Commerce, with a rental fee of \$350.00 and the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured, and approve aid, by providing, 6 port-o-johns, 30-55 gallon drums for garbage, barricades for 4 intersections and 12 additional barricades for ride control, for Pearl River Day on Saturday, October 6, 2012 is hereby approved.

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

RESOLUTION NO. 393**APPROVE USE OF SHOWMOBILE
NYACK CHAMBER/HALLOWEEN**

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

RESOLVED, that use of the Showmobile, by Nyack Chamber of Commerce, for their Halloween Parade on Saturday, October 27, 2012, at a rental cost of \$350.00 and the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured is hereby approved.

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

RESOLUTION NO. 394**ENHANCE PROJECT REVIEW
COMMITTEE**

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

WHEREAS, the Town Board recognizes that when it comes to land use review in the Town it is necessary to maintain a diligent and thorough review process that protects quality of life, property values and the natural environment while providing maximum flexibility and opportunity to land owners to ensure the orderly development of properties, and

WHEREAS, the Town Board believes there is great value in early consultation between property owners and Town experts with regard to site planning and the Town's review and permitting process; and

WHEREAS, the early identification of issues of concern and creation of accurate expectations about the review process helps to avoid costly delays and confusion, and

Resolution No. 394 - Continued

WHEREAS, the Project Review Committee was originally established by resolution 339 of 1972 for the purpose of providing a comprehensive and consolidated review of construction and subdivision applications in the Town and to advise Town agencies and departments concerned with land development and construction, and

WHEREAS, the Project Review Committee's agenda currently derives from the Planning Board agenda and the PRC exists to advise the Planning Board on technical issues related to site plans scheduled for review by the Planning Board and

WHEREAS this system provides invaluable support to the Planning Board, but in some cases does not provide applicants with enough feedback at an early enough stage to avoid situations in which applicants arrive at the Planning Board not fully prepared, or otherwise fail to benefit from an early consultation process,

NOW THEREFORE, BE IT RESOLVED that the Project Review Committee shall be made available to all persons considering land development and/or construction within the Town of Orangetown, at the discretion of the Director of Building, Planning, Zoning and Enforcement (OBZPAE), regardless of whether the applicant's project is scheduled for a particular Planning Board meeting; and

BE IT FUTHER RESOLVED, that the Project Review Committee shall establish what will be known as an "Early Consultation Agenda", as the need arises based upon referrals from the Director of OBZPAE, for the purpose of providing technical review and guidance to persons contemplating land development and/or construction within the Town of Orangetown.

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

Noes: None

RESOLUTION NO. 395**AUTHORIZE SUPERVISOR/AGREEMENT
SYLVIA WELCH/GRANT WRITER**

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

WHEREAS, Sylvia A. Welch, Ph.D., 170 Hudson Terrace, Piermont, New York, will provide research and grant application services with respect to identifying potential funding sources for various Town sponsored programs, capital projects, and other grant opportunities, and will assist in the preparation of grant applications as requested by the Town, and with approval by the Town Board.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Sylvia A. Welch, Ph.D., in a form approved by the Town Attorney, to provide research and grant application services for the period from 9/1/12-12/31/13 and provided further, that said agreement shall require that she report directly to and under the supervision of Supervisor Andrew Y. Stewart, and be it

FURTHER RESOLVED, that the payment for such services shall be at the rate of \$55.00 per hour, not to exceed \$8,000.00, during the contract term without further authorization of the Town Board, which shall be charged to Account No. A.1622.457.

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

Noes: None

RESOLUTION NO. 396**SET PUBLIC HEARING DATE/AMEND
TOWN CODE CHAPTER 39/VEHICLES
AND TRAFFIC/WESTERN HWY**

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

RESOLVED, that upon the recommendation of the Town Attorney, a public hearing is scheduled for September 24, 2012 at 8:00 pm to amend Chapter 39 of the Town Code relating to Vehicles and Traffic, to propose no on street parking on Western Highway north of Erie Street.

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

RESOLUTION NO. 397**ACCEPT, RECEIVE AND FILE/4 AND
6 DEPOT SQUARE (77.08-4-26)**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office, the Department of Environmental Management and Engineering and the Superintendent of Highways accept, receive and file the following documents for 4 and 6 Depot Square, (77.08-4-26):

1. Road Widening Deed
2. Declaration of Covenant for the Inspection and Maintenance of Storm Water Control Facilities.

And the Supervisor is hereby authorized to execute all documents necessary to effectuate the acceptance of the deed and covenant.

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

RESOLUTION NO. 398**ADOPT CERTIFICATE OF CURRENT
HOMESTEAD BASE PROPORTIONS**

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

RESOLVED, that upon the recommendation of the Assessor, the Certificate 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 2012 Assessment Roll is hereby adopted, and the Town Clerk is hereby authorized to affix Town Certification.

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

RESOLUTION NO. 399**DECLARE SURPLUS EQUIPMENT**

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

Resolution No. 399 - Continued

RESOLVED, that upon the recommendation of the Superintendent of Highways, declare the 1982 FWD dump/plow, vin no. 1F9AL28R9CCFT1233 surplus.

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

RESOLUTION NO. 400**AWARD BID/HEAVY DUTY 4WD PLOW
TRUCK/GABRIELLI TRUCK SALES**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for one new Heavy Duty 4-WD Plow Truck, which were received and publicly opened on June 14, 2012. The Superintendent made this recommendation to the Town Board; a copy of the Affidavit of Publication and Notice of Posting is labeled Exhibit 08-B-12, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Gabrielli Truck Sales Ltd., Jamaica New York, in the amount of \$281,580.00, the only qualified bidder, to be charged to Account H5130200.

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

RESOLUTION NO. 401**CREATE SICK LEAVE BANK
CORNELIUS MCNAMARA**

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

RESOLVED, that upon the recommendation of the Superintendent of Highways, the creation of a sick leave bank, for Highway Department employee, Cornelius McNamara, is hereby approved.

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

RESOLUTION NO. 402**AWARD BID/TREEPRUNING AND
REMOVAL/WICKES ARBORISTS**

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

WHEREAS, the Superintendent of Parks and Recreation, duly advertised for sealed bids for tree pruning and removal, which were received and publicly opened on August 8, 2012. The Superintendent made this recommendation to the Town Board; a copy of the Affidavit of Publication and Notice of Posting is labeled Exhibit 08-C-12, and made a part of these minutes. Now, Therefore, Be It

Resolution No. 402 - Continued

RESOLVED, that this bid is hereby awarded to Ira Wicks Arborists of Spring Valley, NY, the lowest qualified bidder.

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

RESOLUTION NO. 403**ACCEPT/RECEIVE/FILE DOCUMENTS
TOWN CLERK'S OFFICE**

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

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

1. Nyack Joint Fire District Annual Audit for Year End December 31, 2011.
2. June 26, 2012 Regular Town Board Meeting minutes; July 17, 2012 Police Commission and Executive Session minutes; and July 24, 2012 Regular Town Board Meeting/Audit Meeting and Executive Session minutes.

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

RESOLUTION NO. 404**SPECIAL EVENTS/POLICE FEES**

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

RESOLVED, that due to increasing labor and fuel costs, the hourly fee for police officers is hereby increased from \$110/hour to \$115/hour and the hourly fee for a police vehicle is hereby increased from \$15/hour to \$25/hour for special events. Hourly wage calculation is based on overtime rate and fringe benefits.

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

RESOLUTION NO. 405**ENTERED AUDIT**

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

RESOLVED, that the Town Board entered the Audit Meeting at 9:35p.m.

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

RESOLUTION NO. 406**PAY VOUCHERS**

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

Resolution No. 406 - Continued

RESOLVED, that the Finance Office is hereby authorized to pay vouchers for the General Fund, Town Outside Village, Blue Hill, Broadacres, Highway, Sewer, Capital Projects, Risk Retention, and Special Parking Funds in the amount of \$1,959,998.84.

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

RESOLUTION NO. 407**ENTER EXECUTIVE SESSION**

In attendance, at this Executive Session, were Supervisor Stewart, Councilmen Diviny, Morr and Valentine, John Edwards, and Teresa Kenny.

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

RESOLVED, that the Town Board entered Executive Session to discuss an employee's disciplinary matter at 9:43 p.m.

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

RESOLUTION NO. 408**REENTERED RTBM**

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

RESOLVED, that the Town Board re-entered the Regular Town Board Meeting, 10:05 p.m.

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

RESOLUTION NO. 409**TOWN BOARD DETERMINATION
EMPLOYEE NO. 2599 DISCIPLINARY
MATTER**

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

WHEREAS, pursuant to Section 75 of the New York Civil Service Law an employee is entitled to a hearing on any disciplinary charges and specifications preferred against him or her; and

WHEREAS, the Town of Orangetown filed charges against Employee # 2599 on October 4, 2011; and

WHEREAS, pursuant to Section 75 of the New York Civil Service Law, a disciplinary hearing was commenced on December 13, 2011, and continued on February 16, 2012, March 2, 2012, March 9, 2012, March 20, 2012, April 17, 2012, and April 25, 2012, before the Hearing Officer designated by the Town Board of the Town of Orangetown to determine the guilt or innocence of such employee; and

WHEREAS, the Hearing Officer found the employee guilty of ten (10) of the specifications preferred against him and recommended termination from service as the appropriate penalty;

WHEREAS, the Town Board members have each reviewed the Record of the Hearing, including the Report and Recommendation of the Hearing Officer; Therefore, Be It

Resolution No. 409 - Continued

RESOLVED, that the Town Board accepts the recommendation of the Hearing Officer and hereby immediately terminates from service that certain employee of the Town of Orangetown having Employee # 2599.

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

RESOLUTION NO. 410**ADJOURNMENT/MEMORY**

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

RESOLVED, that the Town Board adjourned this meeting, in memory of Martin D. Fogarty, Sr., Blauvelt; and Christine A. Gallagher, Pearl River, at 10:10 p.m.

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

Teresa Accetta-Pugh, Deputy Town Clerk