

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING AGENDA
TUESDAY, SEPTEMBER 8, 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 States of America was led by Esta Baitler.

Announcements:

1. 911 REMEMBRANCE SERVICE at 6:00 p.m. - Town Hall 911 Lawn Monument
(Chief Kevin Nulty – All Are Welcome)
2. ORANGETOWN POLICE DEPARTMENT OPEN HOUSE – October 3RD 11:00 a.m.

Summary of Public Comments:

Esta Baitler, Sparkill, asked for an update regarding the Route 340 sidewalks and the Town purchasing street lights.
Eileen Larkin, Palisades, asked, Why does Bergen County have a flat rate with United Water. She believes the Town Code regarding signs needs to be updated.
Dr. Kathleen Kelley, Pearl River, spoke about several health risks caused by benzene. She asked the Town Board to be active listeners with Anellotech.
John Buckley, Orangeburg Library, spoke about upcoming events and workshops at the library. He again thanked the Town for all the aid at their picnic.
Mike Mandel, Pearl River, is against United Water's rate increases and the MTA's proposed communication tower, along Route 304. What is the Town doing to fight these two issues?
Heather Hurley, Pearl River, wants to know when the Code regarding "Prohibited Uses" will be amended and which Town Board member will monitor Anellotech's air quality.
Manny Larenas, Pearl River, believes the Town Board should not be playing political games with the community and the community requests should take priority.

RESOLUTION NO. 395

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, Valentine
Noes: None

RESOLUTION NO. 396**PUBLIC MEETING/SEPT 19, 2016
ORANGETOWN DEPTS/2016
BUDGET PRESENTATIONS**

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

RESOLVED, that a public meeting is scheduled on Saturday, September 19th, at 7:00 a.m., to hear 2016 Budget Presentations, by Town Department Heads, which meeting is expected to continue through 1:00 P.M., and directs the Town Clerk to notify the public of this meeting.

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

RESOLUTION NO. 397**AMEND 2016 BUDGET CALENDAR**

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

WHEREAS, September 22, 2016, is a religious holiday and there is no Town Board meeting, and the approved Orangetown 2016, Budget Calendar and NYS law set September 29th and 30th, respectively, as deadlines for the Supervisor's budget submission to the Town Board.

WHEREAS, to accommodate Town Council scheduling needs, the department head 2016, Budget Presentations are now planned for Saturday, September 19th, 2015.

RESOLVED, that the Town Board amends Resolution #191, Approve 2016, Budget Calendar, which states in part, "September 22, 2015: Last day for the Supervisor to file with the Town Clerk the tentative budget," to state instead, "September 29, 2015: Last day for the Supervisor to file with the Town Clerk the tentative budget.

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

RESOLUTION NO. 398**APPROVE/TAX CERTIORI
GLORIOUS SUN/BLUE HILL
PLAZA, LLC/73.05-1-54**

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

RESOLVED, that upon the recommendation of the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign the Consent Judgment regarding the tax certiorari proceeding *Glorious Sun Blue Hill Plaza, LLC v. The Town of Orangetown, et al.*, Tax Map designation 73.05-1-54, (Blue Hill Office Building, PRSD) for the tax assessment year 2014, for a total refund by the County of \$62,145, a total refund by the Town of \$175,819 and a total refund by the School District of \$660,855; and \$0 refund on behalf of the three entities for the tax assessment year 2015. 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 (and Rockland County Finance Dept.).

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

RESOLUTION NO. 399**AID/DUATHALON/OCTOBER 11, 2015**

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

RESOLUTION NO. 399 - Continued

RESOLVED, that upon the recommendation of the Superintendent of Highways, aid for the “Duathalon”, on October 11, 2015, by providing 150 weighted barricades, 75 cones, 400 foot of crowd control barrels and barricades is hereby approved.

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

RESOLUTION NO. 400**GRANT PERMISSION/HIGHWAY
86TH NYSAOTSOH CONFERENCE**

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

RESOLVED, that permission is hereby granted for James J. Dean, to attend the 86th NYSAOTSOH Annual Conference, Saratoga Springs, New York, September 15 – 18, 2015, at a cost of \$591.00, to be charged to Account No. A5010.441.

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

RESOLUTION NO. 401**AID/BLAUVELT LIONS CLUB
APPLEFEST**

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

RESOLVED, that the Town Board hereby authorizes the Town of Orangetown Highway Department & the Parks Department to lend assistance, which includes the use of (6) recycling kiosks, (12) large garbage cans, and (2) port-o-sans, one regular and one handicapped, (to be delivered to Flywheel Park, Piermont, and picked up after the event) for the Blauvelt Lions Club 12th ANNUAL APPLEFEST on Sunday, September 27, 2015.

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

RESOLUTION NO. 402**AID/SOUTH ORANGETOWN
ROTARY/TENNIS TOURNAMENT**

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

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, aid for the annual Rockland County Tennis Tournament on October 10, 11, and 12, 2015, at Tappan Zee High School tennis courts, by providing two (2) portable toilet units is hereby approved.

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

RESOLUTION NO. 403**ACCEPT/RESIGNATION/ MICHAEL
BONEY/POLICE RADIO DISPATCHER**

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

RESOLUTION NO. 403 - Continued

RESOLVED, that the resignation of Police Radio Dispatcher (CAD) Michael G. Boney is hereby accepted, with regret, from the Orangetown Police Department, effective September 14, 2015.

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

RESOLUTION NO. 404**APPOINT/ELLEN FORDHAM
SECRETARIAL ASSISTANT II/DEME**

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

RESOLVED, that upon the recommendation of the Commissioner of DEME (Department of Environmental Management and Engineering), Ellen Fordham is hereby appointed, to the position of Secretarial Assistant II, Provisional, Grade 10, Step 6/7, at a salary of \$64,224.88, effective August 17, 2015.

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

RESOLUTION NO. 405**APPROVE RECLASSIFICATION &
APPOINT ELIZABETH DECORT
SENIOR CLERK TYPIST/OBZPAE**

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

RESOLVED, that upon the recommendation of the Rockland County Department of Personnel, reclassify the position of Clerk Typist (#520024) in OBZPAE (Office of Building, Zoning, Planning and Enforcement) to Senior Clerk Typist, and appoint Elizabeth DeCort, Provisional, to the position, Grade 5, Step 2 at a salary of \$42,780.00, effective September 9, 2015.

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

RESOLUTION NO. 406**APPROVE RECLASSIFICATION &
APPOINT VIRGINIA RAYMOND
SENIOR CLERK TYPIST/OBZPAE**

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

RESOLVED, that upon the recommendation of Rockland County Department of Personnel, reclassify the position of Clerk Typist (#520440) in OBZPAE (Office of Building, Zoning, Planning and Enforcement) to Senior Clerk Typist, and appoint Virginia Raymond, Provisional, to the position, Grade 5, Step 5, at a salary of \$48,766.00, effective September 9, 2015.

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

RESOLUTION NO. 407**APPROVE RECLASSIFICATION &
APPOINT JOHN ORFINI / DEME
MAINTENANCE MECHANIC I**

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

RESOLVED, that upon the recommendation of the Rockland County Department of Personnel, reclassify the position of Assistant Maintenance Mechanic (#520514) in DEME (Department of Environmental Management and Engineering) to Maintenance Mechanic I, Provisional, and appoint John Orfini to the position, Grade 14A, Step 6/7, at a salary of \$78,107.00, effective September 9, 2015.

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

Noes: None

RESOLUTION NO. 408**NYS LAW/ VETERANS FREE
WEEKDAY GOLF GREEN FEES
40%/GREATER DISABILITY**

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

WHEREAS, the Town of Orangetown wishes to recognize the fact that United States soldiers take great risks to defend United States security, and Veterans frequently cope with serious disabilities as a result of their patriotic service, therefore,

RESOLVED, at the recommendation of the Blue Hill Golf Course Committee, and in recognition of a similar policy at the state level (NYS Law 493, Dated January 8, 2011), and with the agreement of Applied Golf, the Town Board authorizes the Department of Parks and Recreation to implement a policy whereby we extend FREE weekday greens fees to Veterans who are residents of Rockland County, who have served during a time of war and received disabilities of 40% or greater.

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

Noes: None

RESOLUTION NO. 409**AUTHORIZE AGREEMENT/ROCKLAND
HOUSING ACTION COALITION
INC./THE HOLLOW/AFFORDABLE
HOUSING UNITS**

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

RESOLVED, the owners of The Hollows affordable housing units having notified the town that the units are now available for sale, the Town Board authorizes the Supervisor to execute an agreement with Rockland Housing Action Coalition, Inc. to coordinate the qualification of eligible buyers and sale of the units available at a fee of no more than \$1,000.00 per unit.

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

Noes: None

RESOLUTION NO. 410**ACCEPT PETITION/ZONE CHANGE
TOSCANY INC/ANTONIO CUOMO
REFER TO AGENCIES FOR COMMENTS
575 RTE. 303/BLAUVELT/70.15-1-45 & 46**

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

WHEREAS, the owners of certain premises located on the easterly side of State Route 303, in the hamlet of Blauvelt, consisting of Tax Lot 70.15-1-45, presently located in “R-15 (Medium Density Residence) zoning district, and Tax Lot 70.15-1-46, presently located partially in the “CC” (Retail-Commerce) zoning district and partially in the “R-15 (Medium Density Residence), have submitted a Petition seeking to change the portions of the two lots located in the R-15 district to the “CC” district;

WHEREAS, upon preliminary review, the Town Board is favorably disposed to such a change, allowing the said premises to be used for one or more Retail-Commerce uses, consistent, in the Board’s judgment, with the largely commercial nature of the area as same directly abuts Route 303; and

WHEREAS, the Town Board wishes to proceed with its consideration of the proposed action, toward which end it wishes to commence the environmental review process, as well as review by other interested agencies; and

WHEREAS, upon review of the Petition with related documents and filings, as well as a Short Environmental Assessment Form prepared by the Applicant’s attorney, the Board makes the following preliminary determinations:

1. The proposed action is one subject to review under the State Environmental Quality Review Act (“SEQRA”);
2. The proposed action as an “Unlisted” action; and
3. The following are involved or interested or involved agencies in the review process:
 - Orangetown Planning Board;
 - Rockland County Department of Planning;
 - Rockland County Highway Department;
 - N.Y.S. Department of Transportation

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review under SEQRA, and directs that a Lead Agency Coordination Letter with relevant documents be circulated to and among the various above referenced agencies; and

BE IT FURTHER RESOLVED, that the circulation to the Rockland County Department of Planning further be for the purpose of review pursuant to General Municipal Law §§ 239- 1 & m; and

BE IT FURTHER RESOLVED, that, pursuant to Town Code Chapter 43, § 10.5, the Town Board hereby refers the said Petition and a proposed Local Law, amending the Town Zoning Map, to the Town Planning Board, inviting its input regarding, among other things, the implications of such an amendment, and requesting a response within 30-days.

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

RESOLUTION NO. 411**AMEND RESOLUTION NO. 59/2015
THE POINTE AT LAKE TAPPAN
ALLOCATION OF CERTAIN MONIES**

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

RESOLUTION NO. 411 - Continued

WHEREAS, by Resolution 771 of 2005, adopting Local Law No. 18 of 2005, the Town Board changed the zoning classification for property located at the southwest corner of the intersection of Veterans Memorial Drive and Blue Hill Road South (Tax Map Designation 73.10-1-4) from OP to PAC; and

WHEREAS, as a condition of the referenced change of zone, the Owner/applicant agreed to pay to the Town certain sums, in the total amount of \$1.7 million, at certain defined benchmarks in the approval/development process: more specifically, \$1 million for sewer impact and \$700,000.00 for recreational amenities; and

WHEREAS, due to the economic downturn, the Owner/applicant did not proceed with the Project as planned, until a later point in time when the nature of the project was changed from PAC Condominium to PAC Rental, in accordance with a revised concept plan that yielded substantially more "open space", which concept plan was approved by the Town Board, and the site plan later approved by the Planning Board; and

WHEREAS, in connection with that change, the Owner/applicant requested a reduction in the aforesaid contributions from \$1.7 million to \$1.25 million, to be paid immediately in one lump sum, which, by Resolution No. 59 of 2015, the Town Board approved, at the same time allocating \$250,000.00 of the total amount to recreation needs and amenities, and \$1,000,000.00 to sewer impacts; and

WHEREAS, the total amount of \$1.25 million has been timely paid to the Town, and allocated as aforesaid; and

WHEREAS, the Town Board has since determined that it would be in the best financial interests of the Town to reallocate the total amount received, allowing the Town to close out the Rockland Psychiatric Center Playing Field capital project,

NOW, THEREFORE, on the recommendation of the Director of Finance, it is

RESOLVED, that the \$1.25 contribution received from the development of the Pointe at Lake Tappan shall be reallocated between the "G" (Sewer) and the "H" (Parks) funds, and that budget lines within the said funds, as herein below reflected, be adjusted accordingly:

\$583,397.00 to the G Fund (sewer)(formerly \$1 million); and
\$666,603.00 to the H Fund (Parks)(formerly \$250,000)

And,

BE IT FURTHER RESOLVED, that upon the reallocation of funds as provided herein, the open capital project for the Rockland Psychiatric Center Playing Fields shall be closed out; and

BE IT FURTHER RESOLVED, that, by this Resolution, the Director of Finance and the Superintendent of Public Works shall be authorized to take such further action, and to execute all such documents, and make all such adjustments, as may be necessary to effect the results contemplated hereby.

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

Noes: None

RESOLUTION NO. 412

**AUTHORIZE POLICE CHIEF
SETTLEMENT/ DISCIPLINARY
MATTER/EMPLOYEE NO. 1338**

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

RESOLUTION NO. 412 - Continued

RESOLVED, according to the terms of the Rockland County Police Act of 1936, as amended, the Chief of Police is hereby authorized to settle an open disciplinary proceeding, with Police Employee No. 1338.

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

Noes: None

RESOLUTION NO. 413**PAY VOUCHERS**

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

RESOLVED, upon the recommendation of the Finance Director, Jeff Bencik, 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 \$1,829,351.48.

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

Noes: None

RESOLUTION NO. 414**ADJOURNED/MEMORY**

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

RESOLVED, at 8:45 p.m., the Town Board adjourned, in memory of Perry Husted, son of former Councilman Stanley B. Husted; Brian Buck, husband of employee Liz Buck; and Jim (Harold J) Reece, Suffern.

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

Noes: None

Charlotte Madigan, Town Clerk