

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, SEPTEMBER 9, 2014**

This Town Board Meeting was opened at 7:30 p.m. Supervisor Stewart presided and the Town Clerk Madigan called the Roll. Present were:

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

Also present: Charlotte Madigan, Town Clerk
John Edwards, Town Attorney
Teresa Kenny, First Deputy Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Joseph Moran, Commissioner of DEMA
Robert Simon, Receiver of Taxes
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks and Recreation

Charlotte Madigan led the Pledge of Allegiance to the Flag.

Summary of Public Comments (RTBM):

Eileen Larkin, Palisades, asked the Town Board to clarify the proposed Payment in Lieu of Taxes (PILOT) program for Ramland Road and asked what are they giving back to the Town.

RESOLUTION NO. 397

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

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

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RESOLUTION NO. 398

**TAX CERTIORARI/TALI PLAZA
NYACK/66.38-1-64.117/64.119/64.121
64.123/64.125**

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 Consent Judgment regarding the tax certiorari proceeding Tali Plaza of Nyack, LLC v. The Assessor, et al., 117-125 Main St., Nyack, (Tax Map designation 66.38-1-64.117, 64.119, 64.121, 64.123 and 64.125), for the tax assessment years 2012 and 2013, for a total refund by the County of \$11,174, a total refund by the Town of \$25,049 and a total refund by the Nyack School District of \$107,289. 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

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RESOLUTION NO. 399**TAX CERTORARI/PAR BUILDERS
MASIS PARSEGHIAN/NYACK
65.361-51**

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 and Order regarding the tax certiorari proceeding Par Builders, Inc. Masis Parseghian v. The Assessor et al., 26 Route 59, Nyack, (Tax Map designation 65.36-1-51), for the tax assessment years 2008 through 2013, for a total refund by the County of \$4,111, a total refund by the Town of \$16,543 and a total refund by the Nyack School District of \$49,134. 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

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RESOLUTION NO. 400**AID/2014 SONS OF
ITALY/FESTIVAL**

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

RESOLVED, that the Town Board hereby authorizes use of the following items, for the 2014 Sons of Italy, Italian Festival, to be held from September 11, 2014 to September 14, 2014: cones, trash cans, barricades, plastic fence, barrels, signs: watercade with Do Not Enter, vericade - one way, handi-cap signs for parking and also requested a golf cart

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

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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 upon the recommendation of the Superintendent of Highways, aid, by providing (6) recycling kiosks and (12) garbage cans for the Blauvelt Lions Club annual Applefest, on Sunday, September 28, 2014, in Flywheel Park is hereby approved.

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

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RESOLUTION NO. 402**AID/AMEND RES NO. 262/PEARL
RIVER DAY**

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

RESOLUTION NO. 402 - Continued

RESOLVED, upon recommendation of the Superintendent of Highway, amend Resolution No. 262 to provide aid for Pearl River Day on Saturday October 11, 2014 in the form of Electronic Message Board to be placed outside TD Bank on Central Ave. a few days prior to the event.

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

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RESOLUTION NO. 403**SHOWMOBILE/NYACK CHAMBER OF COMMERCE/SEPTEMBERFEST**

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

RESOLVED, upon the recommendation of the Superintendent of Parks and Recreation, use of the showmobile by The Nyack Chamber of Commerce, for their Septemberfest Street Fair on Sunday, September 7, 2014, 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: Supervisor Stewart
Councilpersons Diviny, Troy, Morr, Valentine
Noes: None

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RESOLUTION NO. 404**SHOWMOBILE/DOMINICAN COLLEGE/FIRE IN THE SKY**

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

RESOLVED, upon the recommendation of the Superintendent of Parks and Recreation, use of the showmobile, by Dominican College, for the Fire in the Sky event on Saturday, September 20, 2014, 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: Councilpersons Valentine, Morr, Troy, Diviny
Supervisor Stewart
Noes: None

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RESOLUTION NO. 405**SHOWMOBILE/NYACK CHAMBER OF COMMERCE HALLOWEEN PARADE**

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

RESOLVED, upon the recommendation of the Superintendent of Parks and Recreation, use of the showmobile, by the Nyack Chamber of Commerce, for the Nyack Halloween Parade, 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: Supervisor Stewart
Councilpersons Diviny, Troy, Morr, Valentine
Noes: None

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RESOLUTION NO. 406**AGREEMENT/AMERICAN RED
CROSS/STORAGE TRAILER**

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

RESOLVED, at the request of the Superintendent of Parks and Recreation and in agreement with the Town of Orangetown Office of Emergency Management, an agreement with the American Red Cross, for placing an American Red Cross Storage Trailer at 81 Hunt Road in Orangeburg is hereby approved. This trailer will contain shelter equipment and supplies in order to set up a temporary shelter in case of emergency. Agreement has been approved by the Town Attorney's Department with the American Red Cross providing a certificate of insurance listing the Town of Orangetown as additionally insured.

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

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RESOLUTION NO. 407**AID/BLAUVELT LIONS CLUB
APPLEFEST**

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

RESOLVED, upon the recommendation of the Superintendent of Parks and Recreation, the use of (2) port-O-sans, one regular and one handicapped to be delivered to Flywheel Park for AppleFest on Sunday September 28, 2014 is hereby approved.

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

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RESOLUTION NO. 408**RETIREMENT/DET. PATRICK
FRAWLEY**

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

RESOLVED, that the retirement of Det. Patrick Frawley is hereby accepted with regret, effective August 22, 2014. On August 5, 2014, the NYS Police & Fire Retirement System approved the performance of duty disability retirement application for Orangetown Police Det. Patrick Frawley.

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

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RESOLUTION NO. 409**ACCEPT/RECEIVE/FILE
TOWN CLERK'S OFFICE**

Councilman Diviny 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:

- Nyack Joint Fire District – 2013 Audit Report.
- ELP, LLC, 4 and 6 Depot Square, Sparkill, Road Widening Deed (Rockland County Clerk Instr. No. 2014-00017397) and Title Insurance Policy (Rockland County Clerk Instr. No. 2014-17398).

RESOLUTION NO. 409 - Continued

- August 12, 2014 Regular Town Board Meeting/Executive Session minutes and August 19th Police Commission/Workshop/Executive Session minutes.
- Official Statements - \$5,241,000 Public Improvement (Serial) Bonds, 2014 Series A, dated July 29, 2014.
- DEME's SPDES NY – 0026051 Monthly Report for July 2014.
- Professional Services Agreement between WD Risk Management & Consulting and the Town, dated 7/15/14.
- Memorandum of Understanding between Orangetown Police Department and Rockland Paramedics Services, Inc., dated 7/7/14, to provide NYS Opioid Overdose Responders training and intra-nasal naloxone applicators and ampules pre-filled with naloxone hydrochloride.

Ayes: Councilpersons Diviny, Morr, Troy, Valentine

Supervisor Stewart

Noes: None

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RESOLUTION NO. 410**AID/PR LIONS CLUB/FLEA MARKET & CRAFT FAIR**

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

RESOLVED, that upon the recommendation of the Superintendents of Highways and Park and Recreation, aid, by providing electronic message board, 8 large garbage pails and 4 portable toilets, for the PR Lions Club Annual Flea Market & Craft Fair, Saturday, September 20, 2014, to be held at the Central Avenue Field in Pearl River is hereby approved (rain date of September 27, 2014).

Ayes: Supervisor Stewart

Councilpersons Valentine, Troy, Diviny, Morr

Noes: None

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RESOLUTION NO. 411**AID/TAPPAN HISTORICAL SOCIETY/COLONIAL DAY**

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, aid, by providing 6 metal recycling kiosks, to Tappan Historical Society, for Tappan's Colonial Day, on Saturday, September 27, 2014, to be held at the DeWint House grounds on Livingston Street in Tappan is hereby approved.

Ayes: Supervisor Stewart

Councilpersons Morr, Troy, Diviny, Valentine

Noes: None

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RESOLUTION NO. 412**AID/ORANGEBURG LIBRARY PICNIC**

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

RESOLUTION NO. 412 - Continued

RESOLVED, that upon the recommendation of the Superintendent of Highways, aid, by providing 5 garbage cans and 5 recycling kiosks, for the Orangeburg Library Picnic, on Saturday, September 7, 2014, at the Greenbush Field is hereby approved.

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

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RESOLUTION NO. 413**AID/PR SPECIAL EDUCATION
PTA/8th ANNUAL CHILI COOKOFF**

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

RESOLVED, that upon the recommendation of the Superintendent of Highways, aid, by providing 20 garbage cans, cones and 1 dumpster, to Pearl River Special Education PTA, for the 8TH Annual Chili Cookoff, on Saturday, September 20th, 2014 to be held at Central Avenue Field Pearl River with a rain date of Saturday, September 27, 2014 is hereby approved.

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

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RESOLUTION NO. 414**OPEN PH/PROPERTY
MAINTENANCE CODE/2 S MARY
FRANCIS (74.18-3-35) & 44
LIVINGSTON STREET (77.15-1-55)**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Troy 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.

- 2 S. Mary Francis, Tappan (74.18-3-35)
- 44 Livingston Street, Tappan (77.15-1-55)

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

Charlotte Madigan presented a SEQRA Declaration, for both properties, of non-significance, indicating that the action the Town Board is contemplating will not have a significant negative impact on the environment (Exhibit 09-A-14).

Summary of Public Portion: 2 S. Mary Francis, Tappan (74.18-3-5)

John Giardiello Director of OBZPAE, said this house has been damaged by two fires It has a large hole in the roof and now has water damage. Windows are missing, trees branches have fallen and debris is everywhere. Presently the house is exposed to outside elements. The property is also in disrepair with overgrown grass and overgrown bushes. The building department has struggled with the concerns of neighbors while protecting private property rights because they cannot enter the house without permission of the owners.

Acela Somma-Figuera, Tappan, is concerned about safety and lives in fear of another fire. She believes the house is beyond repair and poses a danger of collapsing and should be demolished.

Tom Guthnie, Tappan, said for the past 5 years the house has been completely unsafe and believes the run-down condition also diminishes the character of the neighborhood.

Myles Mahady, Tappan, said he owns the house along with his wife and explained to the Town Board that although he apologized for the state of the property, he was advised by his lawyer not to step foot on the property. Myles said the insurance company paid \$159,000 to Wells Fargo, the mortgage holder, and he wishes for the house to be demolished. Where has the Town been since 2010?

John Edwards, Town Attorney, said he could not understand why Mahady did not notify the Town of what was going on. John Edwards explained you are a property owner. You have a mortgage lender that you selected, funded your loan and you and Wells Fargo are in bankruptcy court and no doubt in Supreme Court arguing over this matter. The Town doesn't have a property interest, where have you been since 2010? While Mahady is telling the Town to knock down the house, Mahady's attorney sent the Town a letter asking the Town not to take any action because of any court proceedings. The owner could have cleaned up the property so that it would not be an eyesore without jeopardy to an investigation

AnnMarie Castleton, Tappan, agrees the house is unsafe and it should be demolished. All of the other properties in the neighborhood have lost value because of the condition of this property.

Mindy Bonondona, Tappan, said everyday children pass by this house and are afraid. She is concerned about health and safety issues, as well as individuals hanging out in the house.

Tanya Garzia, Tappan, agrees with all of her neighbors.

John Viola, Tappan, said since the house was exposed to rain, snow and ice, especially this past winter, the entire house has water damage. He asked for a timeframe on a course of action.

Bill Castleton, Tappan, said the walls and floors are collapsing and he believes the foundation is damaged. It has been four years and something needs to be done.

After a lengthy discussion the Town Board voted to continue the Public Portion and Public Hearing on September 16, 2014 at 8:00 pm. One of the owners, Myles Mahady, approached the Town Board and expressed permission for John Giardiello, Director of OBZPAE, to enter these premises to make an on-site inspection.

RESOLUTION NO. 415

CONTINUE PH/PROPERTY MAINTENANCE CODE/2 S. MARY FRANCIS (74.18-3-5)

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

RESOLVED, that this public hearing, Property Maintenance Code Violation, for 2 S. Mary Francis (74.18-3-5), will reconvene on September 16, 2014, 8:00 pm.

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

Noes: None

Summary of Public Portion: 44 Livingston Street, Tappan (77.15-1-55)

John Giardiello observed the rear yard and driveway are overgrown with weeds and bamboo trees and that other people are dumping their landscape debris on this property.

There were no comments from the public.

RESOLUTION NO. 416**CLOSE PH/PROPERTY
MATINENANCE CODE/44
LIVINGSTON STREET (77.15-1-55)**

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

RESOLVED, the public hearing, regarding 44 Livingston Street (77.15-1-55) is hereby closed.

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

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RESOLUTION NO. 417**TOWN BOARD DECISION/
PROPERTY MAINTENANCE
CODE/44 LIVINGSTON STREET,
TAPPAN (77.15-1-55)**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Diviny 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 44 Livingston Street (77.15-1-55), at a cost not to exceed \$10,000 and a lien to be placed on property for the cost.

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

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RESOLUTION NO. 418**PAY VOUCHERS**

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

RESOLVED, the Finance Office is hereby authorized to pay vouchers for General Fund, Town Outside Village, Blue Hill, Broadacres, Highway, Sewer, Capital Projects, Risk Retention, and Special Parking Funds for a total amount of \$1,837,003.72.

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

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RESOLUTION NO. 419**ADJOURNED/MEMORY**

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

RESOLVED, that the Town Board adjourned in memory of Noel (Booksie) Haskell, Nyack, at 9:00 pm.

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

Charlotte Madigan, Town Clerk