

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, SEPTEMBER 23, 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 Thomas Diviny  
Councilman Thomas Morr  
Councilman Paul Valentine  
Councilman Denis Troy

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  
Robert Simon, Receiver of Taxes  
Aric Gorton, Superintendent of Parks and Recreation  
Chief Kevin Nulty

Charlotte Madigan led the Pledge of Allegiance to the Flag.

Summary of Public Comments (RTBM):  
There were no public comments.

**RESOLUTION NO. 429**

**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, Diviny, Morr  
Noes: None  
Absent: Councilperson Troy

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**RESOLUTION NO. 430**

**2015 SUPERVISOR/TENTATIVE  
BUDGET**

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

RESOLVED, that the Supervisor filed with the Town Clerk the 2015 Supervisor/Tentative budget, and estimates and schedules of the various administrative units. The Town Clerk distributed the budget to the Town Board and the Town Board accepted it for review.

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

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**RESOLUTION NO. 431**

**APPROVE/SUITEONE MEDIA  
SERVICES AGREEMENT**

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

**RESOLUTION NO. 431 - Continued**

RESOLVED, the Town Board authorized the Supervisor to sign agreement with SuiteOne, for use of their web-based service for automated board meeting agendas and background packet assembly. Having completed a six month free trial of the product and seen the benefits of labor efficiency and communication with departments using self-serve option to add items to agendas, the cost continuation is \$299/month, with an initial setup fee of \$750, to be paid from budget line A. 1622.457.

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

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**RESOLUTION NO. 432**

**SET PUBLIC HEARING/BLAUVELT VOLUNTEER FIRE COMPANY, INC.**

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

RESOLVED, upon the recommendation of the Town Attorney, a public hearing to consider a contract, with the Blauvelt Volunteer Fire Company, Inc., to provide fire protection services to and throughout the Blauvelt Fire Protection District, within the Town, is scheduled for October 7, 2014 at 8:00 pm.

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

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**RESOLUTION NO. 433**

**SETTLEMENT/CSEA GRIEVANCE EMPLOYEE KAREN SERAFIN**

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

RESOLVED, that, in accordance with the May 21, 2014 Opinion and Award of Arbitrator Joel Douglas, the Town Board hereby approves the settlement of an open Grievance Proceeding filed by the C.S.E.A. on behalf of employee, Karen Serafin, with the payment of an annual stipend of \$3500.00 for the calendar years 2013 and 2014, with the stipend to continue for so long as Ms. Serafin performs out-of title job duties for the Office of the Receiver of Taxes.

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

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**RESOLUTION NO. 434**

**APPROVE/PAYMENT IN LIEU OF TAXES/THORPE HOUSING & DOWLING HOUSING**

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

RESOLVED, upon the recommendation of the Assessor, the Supervisor is hereby authorized to sign the agreements of continuation of PILOT payments to the Town and School

**RESOLUTION NO. 434 - Continued**

District with Thorpe Village and Dowling Gardens, as the previous schedules have expired. The new schedules, as indicated, continue a +3% compounded increase per year for an additional 10 year period.

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

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**RESOLUTION NO. 435**

**APPROVE/O&R STREET LIGHT  
PORTAL AGREEMENT**

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

RESOLVED, Town Board authorized the Supervisor to sign agreement with O&R, for electronic communication, between O&R and Orangetown via proposed Municipal Street Light Portal, regarding street lighting related matters.

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

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**RESOLUTION NO. 436**

**AID/DUATHALON/OCTOBER 12, 2014**

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

RESOLVED, that upon the recommendation of the Superintendent of Highways, aid for the Duathalon, October 12, 2014, by providing 100 weighted barricades, 50 cones, 300 foot crown control barrels and barricades, on October 12, 2014 is hereby approved.

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

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**RESOLUTION NO. 437**

**AID/PEARL RIVER HIGH SCHOOL  
BONFIRE & PEP RALLY**

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

RESOLVED, upon recommendation of the Superintendent of Highway, aid, by providing barricades, barrels and sandbags, for the Pearl River High School Bonfire/Pep Rally on Friday, September 12, 2014, at the PRHS is hereby approved (Please note: This request was received on Wednesday, September 10, 2014).

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

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**RESOLUTION NO. 438**

**AID/SHRINER'S CIRCUS**

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

RESOLVED, upon recommendation of the Superintendent of Highways, use of electric message board, by the Shriners Circus, German Masonic Home, Western Highway, Tappan, from September 18 -22, 2014 is hereby approved.

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

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**RESOLUTION NO. 439**

**APPROVE/TRANSPORTATION  
PROJECT - PIN 8780.54/NORTH  
MIDDLETOWN RD PEDESTRIAN  
LINK/PEARL RIVER BUSINESS  
DISTRICT**

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

WHEREAS, a Project for the North Middletown Road Pedestrian Link to Pearl River Business District in the Town of Orangetown, Rockland County, PIN 8780.54 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 75% Federal funds and 25% non-federal funds; and

WHEREAS, the Town of Orangetown desires to advance the Project, by making a commitment of 100% of the non-federal share of the costs, if of preliminary engineering and right-of-way incidental.

NOW, THEREFORE, the Town of Orangetown Board, duly convened does hereby

RESOLVED, that the Town of Orangetown Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Town of Orangetown Board hereby authorizes the Town of Orangetown to pay in the first instance 100% of the federal and non-federal share of the cost of preliminary engineering and right-of way incidental work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$582,000 is hereby appropriated from [or, appropriated pursuant to] and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Orangetown Town board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Orangetown Town Supervisor thereof, and it is further

RESOLVED, that the Supervisor of the Town of Orangetown be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the Town of Orangetown with the New York State Department of Transportation in connection with the advancement or approval of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project cost within appropriations, therefore that are not so eligible, and it is further

**RESOLUTION NO. 439 - Continued**

RESOLVED, that in addition to the Town Supervisor the following municipal titles: Highway Superintendent, Town Engineer, Town Finance Director, are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

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

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**RESOLUTION NO. 440**

**APPROVE/2013-2014 LUMP SUM  
MUNICIPAL SNOW & ICE  
AGREEMENT/AMENDMENT B**

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

RESOLVED, the Supervisor is hereby authorized to sign the Agreement Amendment B, Lump Sum Municipal Snow and Ice Agreement between the Town of Orangetown and the New York State Department of Transportation. The amount for the 2013/2014 Agreement is increased by \$14,755.42 from \$204,936.32 to \$219,691.74 due to the severity of the winter during 2013/2014.

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

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**RESOLUTION NO. 441**

**APPROVE/2014-2015 EXTEND  
INDEXED LUMP SUM MUNICIPAL  
SNOW & ICE AGREEMENT**

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

RESOLVED, the Supervisor is hereby authorized to sign the Extend Indexed Lump Sum Municipal Snow and Ice Agreement, between the Town of Orangetown and the New York State Department of Transportation. The amount for the 2014/2015 Agreement is \$206,283.93.

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

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**RESOLUTION NO. 442**

**AWARD BID/CAST IRON INLETS 2014  
CAMPBELL FOUNDRY CO  
EXPENDED SUPPLY PRODUCTS**

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

**RESOLUTION NO. 442 - Continued**

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for Cast Iron Curb Inlets , which were received and publicly opened on September 4, 2014; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 09-B-14, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that bid, item numbers, 4,5,6,8,9,10,12,13 are hereby awarded to Campbell Foundry Co., Harrison, NJ, and bid items numbers, 1,2,3,7,11 are hereby awarded to Expanded Supply Products Inc., Cold Spring, NY, based on the lowest price and compliance with our specifications.

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

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**RESOLUTION NO. 443**

**PERMISSION GRANTED/TRAINING  
NYS INTELLIGENCE SUMMIT**

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

RESOLVED, permission is hereby granted to Chief Kevin Nulty to attend the NYS Intelligence Summit in Cooperstown, NY on October 29-30, 2014, at a cost of \$130.00 to be charged to account B.3120.408.16.

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

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**RESOLUTION NO. 444**

**DECLARATION OF LEAD AGENCY  
PROPOSED TEXT AMENDMENT  
ADDING A MIXED-USE EXPANSION  
SPECIAL PERMIT USE IN THE LI  
ZONING DISTRICT/ORANGEBURG  
COMMONS/FB ORANGETOWN**

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

WHEREAS, FB ORANGETOWN, LLC has petitioned the Town Board to amend the Town Zoning Law, to add a new §4.32(P) to Chapter 43 of the Town Code (the Town Zoning Law), relating to properties located in the vicinity of the intersection of State Rte. 303 and the Palisades Interstate Parkway (Exit 5 Interchange), in the Town of Orangetown, authorizing a “Mixed-Use Expansion” Special Permit by allowing development of a small lot adjoining a “Mixed-Use” Development as part of the larger unified project; and

WHEREAS, the Town Board by Resolution 344, duly adopted the 15th day of July 2014, among other things, declared its intention to act as Lead Agency for the purpose of Environmental Review of the proposed action, and further directed that a Coordination Letter be circulated to all involved and interested agencies informing them of the Town Board’s intention and soliciting their response, if any, before the passage of 30-days; and

WHEREAS, the said Coordination was circulated to all such agencies on or before July 30, 2014; and

WHEREAS, more than 30 days have passed since the circulation of the said letter and no interested or involved agency has objected to the Town Board assuming the role of Lead Agency,

**RESOLUTION NO. 444 - Continued**

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Orangetown hereby declares itself to be Lead Agency for the coordinated environmental review of the proposed action.

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

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**RESOLUTION NO. 445**

**SET PUBLIC HEARING/PROPOSED  
AMENDMENT/TOWN CODE  
CHAPTER 43/ADDING A MIXED-USE  
EXPANSION SPECIAL PERMIT USE  
IN THE LI ZONING DISTRICT  
ORANGEBURG COMMONS  
FB ORANGETOWN LLC**

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

RESOLVED, that the Town Board will hold a public hearing on October 21, 2014, at 8:05 p.m., to consider an amendment to Chapter 43 of the Town Code (Zoning) to add a new §4.32(P), relating to properties located in the vicinity of the intersection of State Rte. 303 and the Palisades Interstate Parkway (Exit 5 Interchange), in the Town of Orangetown, authorizing a “Mixed-Use Expansion” Special Permit by allowing development of a small lot adjoining a “Mixed-Use” Development as part of the larger unified project.

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

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**RESOLUTION NO. 446**

**ACCEPT/RECEIVE/FILE/ TOWN  
CLERK’S OFFICE**

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

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

1. Agreement with the American Red Cross (9/1/2014) for Storage Trailer etc.
2. DEME – SPDES NY – 0026051 Monthly Report for August 2014.
3. September 6, 2014 Special Town Board/Budget Meeting minutes.

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

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**RESOLUTION NO. 447**

**PEARL RIVER FIRE DEPT/FIRE  
TRAINING/ JOHN PERRY HOUSE  
295 BLUE HILL RD**

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

**RESOLUTION NO. 447 - Continued**

RESOLVED, the Supervisor is authorized to sign a License Agreement, authorizing the Pearl River Fire Department to use the premises known as the "John Perry House", located at 295 Blue Hill Road, Pearl River, for training purposes.

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

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**RESOLUTION NO. 448**

**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 \$779,518.29.

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

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**RESOLUTION NO. 449**

**ENTER EXECUTIVE SESSION**

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

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

RESOLVED, that the Town Board entered Executive Session to discuss qualifications of candidates for the Finance Department, at 8:22 p.m.

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

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**RESOLUTION NO. 450**

**RE-ENTER RTBM/ADJOURNED  
MEMORY**

Supervisor Stewart 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 and adjourned, in memory of Sheila Wasserman, Orangeburg and Eleanor McGee, Pearl River at 9:10 p.m.

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

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**Charlotte Madigan, Town Clerk**