

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
MONDAY, SEPTEMBER 24, 2012**

This Town Board Meeting was opened at 7:40 p.m. Supervisor Stewart presided and the Town Clerk called the Roll. Present were:

Councilman Denis Troy (arrived at 8:30 p.m.)  
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  
Ann Maestri, Supervisor of Fiscal Services  
James Dean, Superintendent of Highways  
Aric Gorton, Superintendent of Parks-Rec & Building Maint.

Charlotte Madigan led the Pledge of Allegiance to the Flag.

Summary of Public Comments (RTBM):

Guy Gervasi, President of Clarkstown Taxpayers Group is moving into Orangetown. He has the same concerns regarding lowering taxes.

Laura Davie, Greenbush Presbyterian Church, appreciates the accommodations that were made with the Traffic Advisory Board and the Police Department regarding parking on Western Highway, for special events.

Eileen Larkin, Palisades, is against Orangetown's employees doing work in other municipalities.

**RESOLUTION NO. 435**

**CLOSE PUBLIC COMMENTS**

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

RESOLVED, that the public portion is hereby closed.

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

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**RESOLUTION NO. 436**

**AMEND RESOLUTION#243/2012  
AID/TEAM KJ DUATHALON**

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

RESOLVED, that Resolution #243/2012, approving aid to the Team KJ Duathalon, is hereby amended, by adding 120 weighted barricades and 50 highway cones.

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

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**RESOLUTION NO. 437**

**COMBINE AGENDA ITEMS**

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

**Resolution No. 437 - Continued**

RESOLVED, that agenda items 2 thru 4 are hereby combined.

Ayes: Councilmen Diviny, Morr, Valentine  
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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**RESOLUTION NO. 438****AWARD BID/NEW STREET SWEEPER TRUCK/TRUIS, INC.**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for One (1) New Street Sweeper Truck, which were received and publicly opened on July 5, 2012. The Superintendent made this recommendation to the Town Board; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet are labeled Exhibit 09-A-12, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Truis, Inc., Bohemia, New York, the only qualified bidder, in the amount of \$205,813.00 to be charged to Account No. H5130200.

Ayes: Councilmen Diviny, Morr, Valentine  
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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**RESOLUTION NO. 439****AWARD BID/LIGHT DUTY TRUCK WEST HERR**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for One (1) New Light Duty Truck, which were received and publicly opened on July 5, 2012. The Superintendent made this recommendation to the Town Board; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet are labeled Exhibit 09-B-12, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to West Herr, Hamburg, New York, the lowest qualified bidder, in the amount of \$49,495.00, to be charged to Account No. H5130200.

Ayes: Councilmen Diviny, Morr, Valentine  
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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**RESOLUTION NO. 440****AWARD BID/MEDIUM DUTY TRUCK NAVISTAR, INC.**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for One (1) New Medium Duty Truck, which were received and publicly opened on August 2, 2012. The Superintendent made this recommendation to the Town Board; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet are labeled Exhibit 09-C-12, and made a part of these minutes. Now, Therefore, Be It

**Resolution No. 440 - Continued**

RESOLVED, that this bid is hereby awarded to Navistar, Inc, Loudonville, New York, the only bidder to meet the Town's specification, in the amount of \$78,044.00, to be charged to Account No. H5130200.

Ayes: Councilmen Diviny, Morr, Valentine  
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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**RESOLUTION NO. 441****ACCEPT DONATION/HOWARD DEAN  
SPARKILL CREEK FLOOD RELIEF  
ENGINEERING INVESTIGATION**

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

RESOLVED, that the Town Board accepts the donation from Howard Dean in the amount of \$10,500.00 to fund a "Sparkill Creek Flood Relief Engineering Investigation."

Ayes: Councilmen Morr, Valentine, Diviny  
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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**RESOLUTION NO. 442****2013 TENTATIVE BUDGET/BUDGET  
MESSAGES/FILED/DISTRIBUTED**

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

RESOLVED, that the Supervisor filed, with the Town Clerk, the 2013 Tentative Budget, budget messages, and estimates and schedules of the various administrative units. The Town Clerk distributed this Budget to the Town Board and the Board has accepted it for review.

Ayes: Councilmen Diviny, Morr, Valentine  
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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**RESOLUTION NO. 443****ACCEPT/RECEIVE/FILE/DOCUMENTS  
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:

1. Certificate of Substantial & Final Completion for the Sludge Handling Facility Modification, (WWTP-10-02), Electrical with Ray S. Pantel, Inc.
2. August 28, 2012 Regular Town Board Meeting minutes and September 4, 2012 Police Commission, Executive Session and Budget Meeting minutes.
3. DEME: SPDES NY – 0026051; August, 2012 Monthly Report/Violation of Fecal Coliform Maximum 7-day Average.

Ayes: Councilmen Diviny, Morr, Valentine  
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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**RESOLUTION NO. 444****ENTERED AUDIT**

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

RESOLVED, that the Town Board entered the Audit Meeting at 7:55 p.m.

Ayes: Councilmen Diviny, Morr, Valentine  
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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**RESOLUTION NO. 445****PAY VOUCHERS**

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

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 \$1,059,655.39.

Ayes: Councilmen Diviny, Morr, Valentine  
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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**RESOLUTION NO. 446****OPEN PH/POLICE REGULATION  
TOWN CODE CHAPTER 39, VEHICLES  
& TRAFFIC (NO PARKING-WESTERN  
HWY-NORTH OF ERIE STREET)**

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

RESOLVED, that the 8:00 p.m. public hearing to amend the Town Code, Chapter 39, Vehicles and Traffic (no parking on Western Highway, north of Erie Street) is hereby opened.

Ayes: Councilmen Valentine, Diviny, Morr  
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 09-D-12 and made a part of these minutes.

This public portion was opened and there were no public comments.

**RESOLUTION NO. 447****CLOSE PH/POLICE REGULATION  
TOWN CODE CHAPTER 39, VEHICLES  
& TRAFFIC (NO PARKING-WESTERN  
HWY-NORTH OF ERIE STREET)**

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

RESOLVED, that the public portion is hereby closed.

Ayes: Councilmen Diviny, Valentine, Morr  
Supervisor Stewart

Noes: None

Absent: Councilman Troy

**RESOLUTION NO. 448****LEAD AGENCY/POLICE REGULATION  
TOWN CODE/CHAPTER 39, VEHICLES  
& TRAFFIC (NO PARKING-WESTERN  
HWY-NORTH OF ERIE STREET)**

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

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

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

**RESOLUTION NO. 449****SEQRA DECLARATION/POLICE  
REGULATION/TOWN CODE  
CHAPTER 39, VEHICLES & TRAFFIC  
(NO PARKING-WESTERN HWY-  
NORTH OF ERIE STREET)**

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

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 09-E-12, and made a part of these minutes

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

**TOWN OF ORANGETOWN  
LOCAL LAW NO. 4, 2012**

Be it enacted by the Town Board of the Town of Orangetown as follows:

**Section 1. Title.**

A Local Law amending Chapter 39 (Vehicles and Traffic), Article I (Vehicle and Traffic Regulations) of the Code of the Town of Orangetown.

**Section 2. Amend Section 39-5.H, by adding:**

- (10) No parking on either side of Western Highway north of Erie Street.

**Section 3. Effective date.**

The provisions of this local law shall take effect immediately upon filing with the Secretary of State.

**RESOLUTION NO. 450****ADOPT/LOCAL LAW 4, 2012/POLICE  
REGULATION/TOWN CODE/CHAPTER 39,  
VEHICLES & TRAFFIC (NO PARKING  
WESTERN HWY-NORTH OF ERIE ST)**

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

WHEREAS, the Town of Orangetown Traffic Advisory Board recommends adoption of Local Law 4, 2012;

**Resolution No. 450 – Continued**

BE IT RESOLVED, that the Town Board hereby adopts Local Law 4, 2012, to amend the Town Code, Chapter 39 entitled “Vehicles and Traffic,” to prohibit parking on Western Highway north of Erie Street to the border with the Town of Clarkstown.

Ayes: Councilmen Morr, Diviny, Valentine  
Supervisor Stewart

Noes: None

Absent: Councilman Troy

The Town Board took a recess and after the recess the Town Board had a long discussion regarding the 2013 Tentative Budget.

**RESOLUTION NO. 451****ENTER EXECUTIVE SESSION**

In attendance, at this Executive Session, were Supervisor Stewart, Councilmen Troy, Diviny, Morr and Valentine, John Edwards, Teresa Kenny and Mike Mandel, Board of Ethics.

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

RESOLVED, that the Town Board entered Executive Session to discuss particular Ethic matters at 9:48 p.m.

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

Noes: None

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**RESOLUTION NO. 452****REENTERED RTBM  
ADJOURNMENT/MEMORY**

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

RESOLVED, that the Town Board re-entered the Regular Town Board Meeting and adjourned, in memory of Jacqueline Hogg, Pearl River, at 10:00 p.m.

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

Noes: None

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**Charlotte Madigan, Town Clerk**