

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, SEPTEMBER 24, 2013**

This Town Board Meeting was opened at 7:35 p.m. Supervisor Stewart presided and the 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, First Deputy Town Attorney
Jeff Bencik, Finance Director
Ann Maestri, Supervisor of Fiscal Services
James Dean, Superintendent of Highways
Joseph Moran, Commissioner of DEME
Robert Simon, Receiver of Taxes
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks and Recreation

Eileen Larkin led the Pledge of Allegiance to the Flag.

A Moment of Silence, in memory of Jeffrey Keahon, was observed at the start of this meeting.

Announcements:

Charlotte Madigan, the Town Clerk, will be hosting a Shredding Day, on September 26th, Thursday, from noon to 4p.m, Town Hall Parking Lot.

The Children of Camp Shanks Village Reunion, on Sunday, November 3rd, from 1-3pm at the DePew House, 196 Chief Bill Harris Way, Orangeburg.

Summary of Public Comments:

Habib Hasan, Pearl River, spoke of the importance of Camp Shanks and spoke about what the U.S. has done for the United Nations.

Eileen Larkin, Palisades, said the discussions regarding the Blauvelt Fire Dept. and the Paramedics budgets were unfair. She asked whether Obama Care will impact our budget and whether an Orangetown representative will be at United Water's public hearings.

Walter Wettje, Pearl River and Candidate for Supervisor, asked if Keane & Beane bills were reviewed and paid. We should use our own attorneys instead of outside counsels. He asked about Mr. Fried's press conference, in South Nyack, regarding illegal housing.

Mike Mandel, Pearl River, commented that the Blauvelt Fire Dept.'s resale of trucks is revenue and their cellphone use should be paid back by the members. He asked for the cost analysis regarding the Receiver of Taxes. He hopes the Town's budget stays within the 2% cap.

RESOLUTION NO. 428

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

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

Noes: None

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RESOLUTION NO. 429

2014 TENTATIVE BUDGET

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

Resolution No. 429 - Continued

RESOLVED, that the Supervisor filed with the Town Clerk the 2014 tentative budget, budget message and estimates and schedules of the various administrative units. The Town Clerk distributed the budget to the Town Board and the Town Board has accepted it for review.

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

Noes: None

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RESOLUTION NO. 430**AID/PEARL RIVER SPECIAL
EDUCATION/CHILI COOKOFF**

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

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, the request from Pearl River Special Education PTA (SEPTA), by providing 3 portable toilets (1 handicapped) for their Chili Cook-off , September 21, 2013 is hereby approved.

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

Noes: None

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RESOLUTION NO. 431**AID/DUATHALON**

Councilman Diviny 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 for the Duathlon, by providing 100 weighted barricades, 50 cones, 300 crowd control barrels and barricades, on October 13, 2013 is hereby approved.

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

Noes: None

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RESOLUTION NO. 432**AID/PEARL RIVER SPECIAL
EDUCATION/CHILI COOKOFF**

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

RESOLVED that upon the recommendation of the Superintendent Highways, the request from Pearl River Special Education PTA (SEPTA), by providing 10 garbage cans and cones to the Chili Cook-off on September 21, 2013 is hereby approved.

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

Noes: None

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RESOLUTION NO. 433**AID/ROCKLAND COUNTY
COLUMBUS ASSOCIATION
COLUMBUS PARADE**

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

Resolution No. 433 - Continued

RESOLVED that upon the recommendation of the Superintendent of Highway, the request from Rockland County Columbus Association for aid, by providing barricades, trash containers and 50 road cones for the Columbus Parade on Sunday October 13, 2013 is hereby approved.

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

Noes: None

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RESOLUTION NO. 434

**MANHATTAN WOODS GOLF
(PALISADES GREENS, LLP) LETTER
OF CREDIT/REFUND PALISADES
INTERSTATE PARKWAY (EXIT 7
SOUTHBOUND IMPROVEMENTS**

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

WHEREAS, pursuant to Planning Board Decision 1998-152, Manhattan Woods Golf Club, Inc. agreed to provide funds for the improvement of Exit 7 southbound of the Palisades Interstate Parkway, which work was part of a project that was undertaken and completed by the New York State Department of Transportation, and

WHEREAS, at the recommendation of the New York State Department of Transportation and pursuant to an agreement between Manhattan Woods Golf Club Inc. and the Town, Manhattan Woods Golf Club Inc., through its affiliate Palisades Greens, LLC, provided the Town with a Letter of Credit issued by Union State Bank, number 1685 and since replaced by a Letter of Credit from Key Bank, number S313231 in the amount of \$150,000.00, and

WHEREAS, on or about June 3, 1999, pursuant to the aforementioned agreement with Manhattan Woods Golf Club, Inc. and Palisades Greens, LLC, the Town drew down the sum of \$120,000.00 from the Letter of Credit leaving a \$30,000.00 balance and

WHEREAS, pursuant to the aforementioned agreement, on or about June, 1999, the Town paid the sum of \$120,000.00 to the New York State Department of Transportation pursuant to Town Board Resolution 1999-331 and

WHEREAS, the New York State Department of Transportation has completed the project and on or about August 1, 2013 provided an accounting to the Town and to Manhattan Woods Golf Club, Inc. and Palisades Greens, LLC showing a positive balance of \$32,742.77, which sums have been returned to the Town by the State of New York,

NOW THEREFORE IT IS HEREBY RESOLVED that pursuant to the original agreement referenced above, the Finance Department is hereby authorized to return the sum of \$32,742.77 to Palisades Greens, LLC and

BE IT FURTHER RESOLVED, that the Letter of Credit issued by Key Bank, number S313231, in the amount of \$30,000.00, posted by Palisades Greens, LLC in favor of the Town of Orangetown is hereby released.

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

Noes: None

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RESOLUTION NO. 435

**J. FLETCHER CREAMER & SON
PERMIT BOND/155 CORPORATE DR
ACCEPT/RECEIVE/FILE**

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

Resolution No. 435 - Continued

WHEREAS, J. Fletcher Creamer & Son has been granted permits to install conduits and manholes on Olympic Drive from Corporate Drive to Hunt Road, on Hunt Road from Olympic Drive to Blaisdell Road and on Corporate Drive from Blaisdell Road to 155 Corporate Drive;

WHEREAS, the Highway Department has required a permit bond in the amount of \$278,562.00 to ensure restoration of the Town's roads to the Highway Department's satisfaction.

NOW THEREFORE IT IS HEREBY RESOLVED, that the Town hereby formally accepts, receives and files, with the Office of the Town Clerk, the Liberty Mutual Permit Bond No. 015041320 with respect to the work J. Fletcher Creamer & Son proposes to accomplish on Hunt Road, Olympic Drive and Corporate Drive.

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

Noes: None

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RESOLUTION NO. 436

**GRANT AUTHORIZATION/JUSTICE
COURT OFFICE EQUIPMENT SEI
SOFTWARE UPDATES/LAW
BOOKS/FURNITURE**

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

RESOLVED, that Supervisor Stewart is hereby authorized to submit a grant application for the Orangetown Justice Court to the NYS Justice Court Assistance Program 2013 in the amount of \$11,471.00 for the purpose of obtaining office equipment, SEI software update, law books and courtroom furniture.

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

Noes: None

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RESOLUTION NO. 437

**PERMISSION GRANTED/POLICE
NYS INTELLIGENCE SUMMIT**

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

RESOLVED, that upon the recommendation of the Chief of Police, permission is granted to Kevin Nulty, Police Chief, to attend the NYS Intelligence Summit in Albany, NY on Oct. 15-16, 2013 with lodging and meals provided by the NYS Dept. of Homeland Security and Emergency Services (NYS DHSES) at no expense to the Town.

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

Noes: None

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RESOLUTION NO. 438

ACCEPT/RECEIVE/FILE DOCUMENTS

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

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

1. September 3, 2013 Police Commission/Executive Session; September 7, 2013 Special Town Board Meeting/Budget; and September 9, 2013 Regular Town Board Meeting/Executive Session minutes.
2. SPDES NY – 0026051; August 2013 Monthly Monitoring Report.

Resolution No. 438 - Continued

3. Covenant, Hold Harmless & Indemnification Agreement, dated 9/9/13, between Donald & Theresa Sullivan and the Town for property located at 130 Lawrence St (77.15-3-35) (Rockland Cty Inst. #2013-00035217).
4. Agreement, dated 7/23/13, between Daniel Duthie, Esq. and the Town for United Water New York 2013 Rate Filing.

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

Noes: None

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RESOLUTION NO. 439**LEASE AGREEMENT/AZTEC OFFICE TECHNOLOGY & CIT FINANCE LLC COPIER EQUIPMENT**

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

RESOLVED, that pursuant to, and in accordance with, the Town's procurement policy, the Town Board hereby approves the lease of office copier, fax and related equipment and supplies through Aztec Office Technology and CIT Finance LLC, at a monthly cost of \$2,778.04 for a period of 60 months, as well as a one-year service agreement with Aztec at a base cost of \$960.00 per month, subject to renewal at the then prevailing rate; and, be it further

RESOLVED, that in furtherance of the aforesaid, the Supervisor or his designated representative shall be authorized to sign the necessary documents and agreements.

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

Noes: None

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RESOLUTION NO. 440**AID/PEARL RIVER SCHOOLS BONFIRE/PEP RALLY**

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

RESOLVED that upon the recommendation of the Superintendent Highways, the request from Pearl River Schools, by providing barricades, barrels and two yards of sand for their bonfire and pep rally on Friday, September 27, 2013 is hereby approved.

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

Noes: None

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RESOLUTION NO. 441**PAY VOUCHERS**

Councilman Troy 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 \$1,697,677.46.

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

Noes: None

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RESOLUTION NO. 442

**ENTER EXECUTIVE SESSION
RPC LEGAL DISCUSSIONS**

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

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 legal matters regarding RPC, at 9:45 p.m. Supervisor Stewart said no further votes will be taken.

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

Noes: None

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RESOLUTION NO. 443

**RE-ENTER/RTBM
ADJOURNED/MEMORY**

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

RESOLVED, that the Town Board adjourned in memory of Jeffrey Keahon, Pearl River, at 10:08 p.m.

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

Noes: None

Charlotte Madigan, Town Clerk