

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, OCTOBER 8, 2013**

This Town Board Meeting was opened at 7:30 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  
James Dean, Superintendent of Highways  
Joseph Moran, Commissioner of DEME  
Robert Simon, Receiver of Taxes  
Bert Von Wurmb, Building Inspector  
Aric Gorton, Superintendent of Parks and Recreation

Charlotte Madigan led the Pledge of Allegiance to the Flag.

Stephen Hartnett from the NYS Department of Taxation and Finance explained that new legislation for the STAR exemption requires all homeowners receiving the Basic STAR exemption to register with the Tax Department. The purpose is to ensure that benefits only go to qualified homeowners, to eliminate intentional fraud and unintentional duplicate exemptions.

Darrell Butler, a New York Army National Guard Sergeant, along with his wife, Elena, presented a flag to the Town of Orangetown. Darrell, an Orangetown employee, presented this flag to show his gratitude for the overwhelming support he received while he was deployed. This American flag was flown in the Candleheart Airfield in Afghanistan.

**Summary of Public Comments:**

Eileen Larkin, Palisades, attended, along with over 1,000 others, the United Water's Desalination Plant hearing. At this hearing, it was indicated that Orangetown is going to see major increase in water usage from the development of Pfizer, RPC and the Bloomberg Center. Everyone is against the desalination plant and the cost being extremely prohibitive.

**RESOLUTION NO. 447**

**CLOSE PUBLIC COMMENTS**

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

RESOLVED, that the public portion is hereby closed.

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

Noes: None

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**RESOLUTION NO. 448**

**CORNELL COOPERATIVE  
EXTENSION/MS4 REQUIREMENTS  
COMMUNITY-WIDE EDUCATION**

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

**Resolution No. 448 - Continued**

RESOLVED, that upon the recommendation of the Commissioner of DEME, the annual contract with Cornell Cooperative Extension, for the Town's MS4 requirements, to provide community-wide education, is approved at a cost of \$5,440.00, payable within 60 days after receiving the invoice.

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

Noes: None

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**RESOLUTION NO. 449****COMBINE AGENDA ITEMS**

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

RESOLVED that agenda items 1 thru 7 are hereby combined.

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

Noes: None

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**RESOLUTION NO. 450****WYETH HOLDINGS CORPORATION  
TAX CERTIORARI SETTLEMENT  
ASSESSMENT ROLLS 2010 AND 2013**

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

RESOLVED that upon the recommendation of the Town Attorney's Office and the Assessor, approve the settlement of pending tax certiorari proceedings by *Wyeth Holdings Corporation v. Assessor of the Town of Orangetown, et al.*, for assessment years 2010 and 2013, with a refund to be paid by the Town in the amount of \$1,727,841.79 for assessment year 2010, and with no refund to be paid for assessment year 2013, and a refund to be paid by the County of Rockland in the amount of \$1,187,313.26 for assessment year 2010, and with no refund to be paid for assessment year 2013. The proceedings against the Nanuet School District for the said assessment years have been separately settled by the District.

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

Noes: None

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**RESOLUTION NO. 451****MA TOV CHARITABLE  
FOUNDATION (76.08-1-5)/TAX  
CERTIORARI SETTLEMENT**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, Dennis Michaels, Deputy Town Attorney, is approved and authorized to sign the Stipulation of Settlement and Consent Order and Judgment regarding the tax certiorari proceeding *Ma Tov Charitable Foundation v. Town of Orangetown, et al.*, Tax Map designation 76.08-1-5, for the tax assessment years 2011 and 2012, for a total refund by the County of \$3,747, a total refund by the Town of \$9,202 and a total refund by the School District of \$36,333. 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 Troy, Diviny, Morr, Valentine  
Supervisor Stewart

Noes: None

**RESOLUTION NO. 452****INDUSTRIAL SERVICE UNIFORMS  
AMERICAN WEAR UNIFORMS  
AWARD BID**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for Industrial Service Uniforms, which were received and publicly opened on September 19, 2013; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet are labeled Exhibit 09-A-13, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to American Wear Uniforms East Orange, NJ, the lowest qualified bidder, at a price of \$1.89 per employee, per week for a two (2) year contract period.

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

Noes: None

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**RESOLUTION NO. 453****PERMISSION GRANTED/GREEN  
INFRASTRUCTURE/WET WEATHER  
WATER & SAFER COMMUNITIES**

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

RESOLVED, that upon the recommendation of the Commissioner of DEME, permission is granted to Joseph Moran and Bruce Peters to attend the conference on Green Infrastructure for Wet Weather: Cleaner Water & Safer Communities, at a cost of \$100.00 per person for a total cost of \$200.00.

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

Noes: None

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**RESOLUTION NO. 454****WOOD CHIPPER 12" DISC  
WESTCHESTER TRACTOR  
INC/AWARD BID**

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

WHEREAS, the Superintendent of Parks and Recreation duly advertised for sealed bids for a Wood Chipper-12" disc, which were received and publicly opened on September 26, 2013; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet are labeled Exhibit 09-B-13, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Westchester Tractor Inc. of Brewster NY, the lowest qualified bidder, in the amount of \$24,972.00.

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

Noes: None

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**RESOLUTION NO. 455****28 ROUTE 303/REALTY CORP/JOHN  
HOWARD CHO/NYS SUPREME  
COURT CODE VIOLATIONS**

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

**Resolution No. 455 - Continued**

RESOLVED that the Town Board authorizes the Office of Building, Zoning & Planning Administration & Enforcement, and the Office of the Town Attorney, to file/commence an action or proceeding against 28 Route 303 Realty Corp. And John Howard Cho, in NYS Supreme Court, Rockland County, pursuant to NYS Town Law §268 (2), seeking a Court Order and/or Judgment granting a preliminary and/or injunction to restrain, prevent, correct and/or abate violations of the Code of the Town of Orangetown, including, but not necessarily limited to, property maintenance, building, zoning and fire code regulations, on the basis that 28 Route 303, Tappan (77.15-1-44), has continuously, since on or about 03/22/2011, violated Orangetown Code § 6A-3 and §24C-6(A).

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

Noes: None

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**RESOLUTION NO. 456****APPOINT POLICE MATRON  
GERALDINA SCHIAVONE**

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

RESOLVED, that upon the recommendation of the Police Chief, Geraldina Schiavone is hereby appointed a Police Matron, part-time, at the hourly wage of \$25.00 per hour, effective October 8, 2013.

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

Noes: None

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**RESOLUTION NO. 457****2013-2014 EMPLOYEE ASSISTANCE  
PROGRAM (EAP) SERVICES  
CONTRACT/NYACK HOSPITAL**

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

RESOLVED that the 2013-2014 Employee Assistance Program (EAP) Services Contract, with a decrease, from \$10,175.00 to \$9,287.00, (decrease of \$888.00) is hereby accepted.

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

Noes: None

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**RESOLUTION NO. 458****APPROVE/RELEASE BID  
DOCUMENTS FOR SNOW REMOVAL  
AT CORTWOOD VILLAGE SENIOR  
HOUSING COMPLEX**

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

RESOLVED, that the Town Board approves the release of the bid specification documents for Snow Removal at Cortwood Village Senior Housing Complex.

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

Noes: None

**RESOLUTION NO. 459****STATEMENT OF CASH RECEIPTS  
CASH DISBURSEMENT/CASH  
BALANCES/INDEPENDENT  
AUDITOR'S REPORT/JUSTICE  
COURT/RECEIVED AND FILED**

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

RESOLVED, that the Statement of Cash Receipts, Cash Disbursement and Cash Balances with Independent Auditors' Report, year ended December 31, 2012, for Orangetown Justice Court is received and filed in the Town Clerk's Office.

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

Noes: None

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**RESOLUTION NO. 460****RESIGNATION/ALEX DIMENNA  
ARCHITECTURE AND COMMUNITY  
APPEARANCE BOARD OF REVIEW**

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

RESOLVED, that the resignation of Alex DiMenna from the Architecture and Community Appearance Board of Review (ACABOR), effective November 15, 2013, is hereby accepted with regret.

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

Noes: None

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**RESOLUTION NO. 461****AUTHORIZE/PAY VOUCHERS**

Councilman Diviny offered the following resolution, which was seconded by Councilman Troy 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 \$514,166.08.

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

Noes: None

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**RESOLUTION NO. 462****ENTER EXECUTIVE SESSION  
PERSONNEL MATTER**

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

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

RESOLVED, that the Town Board entered Executive Session to discuss a personnel matter that has potential for a lawsuit, at 8:20 p.m. Supervisor Stewart said no further votes will be taken.

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

Noes: None

**RESOLUTION NO. 463**

**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 Jennifer Feiertag, a dedicated employee and an Orangeburg resident; and Francis Moran, Pearl River, at 9:05 p.m.

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

Noes: None

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**Charlotte Madigan, Town Clerk**