

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, OCTOBER 22, 2013**

This Town Board Meeting was opened at 7:45 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  
John Giardiello, Director of OBZPAE  
Allan Ryff, Deputy Supervisor

Charlotte Madigan led the Pledge of Allegiance to the Flag.

Summary of Public Comments:

Laurie Peek, Tappan, is in favor of site mulching and composting of leaves.

Habib Hasan, Pearl River, said the taxpayers should not be paying for any State mandates.

Somnath Kouduru, Tappan, is concerned about high taxes and he is happy with the 1.9% increase.

Eileen Larkin, Palisades, said leaf pick up is a great service provided by our Highway Dept. She is concerned that mulching will become mandatory and that it is a burden on taxpayers, especially seniors.

Kimberley Curti, Curti's Landscaping, spoke about mulching of leaves.

Jo-Ann Coffey-Fasulo, Pearl River, wants the Orangetown Highway Dept. to continue to pick up leaves. She is against reducing services to balance the budget or to lower taxes.

Bill McDowell, Nyack Ambulance Corp, is glad to report that they are able to cut their paramedic costs over the next four years. The paramedic costs will be equally split between Orangetown and Clarkstown.

Joan Madden, President of the Senior "B" Club, spoke about a mini bus service for seniors. She asked for help with this service.

JoAnne Pederson, Palisades and a member of Sparkill Creek Alliance, is in favor of leaf mulching on site.

Mike Mandel, Pearl River, suggested having the landscapers pick up the leaves and remove them from site. He again asked for a cost analysis regarding the elimination of the Office of the Receiver of Taxes.

**RESOLUTION NO. 464**

**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. 465****OPEN PH /PROPOSED LOCAL LAW  
PROPERTY TAX CAP OVERRIDE  
FISCAL YEAR 2014**

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

RESOLVED, that the 8:00 p.m. public hearing to hear public comments to consider a proposed Local Law amending the Town Code of the Town of Orangetown, Chapter 34, entitled "Taxation", by adding a new Article VIII, entitled "Property Tax Cap Override-Fiscal Year 2014" is hereby opened.

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

Noes: None

The Town Clerk presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 10-A-13 and made a part of these minutes.

This proposed local law gives the Town Board the option to override the 2% tax cap limit and to adopt a budget that requires a tax increase over the tax cap limit.

**Summary of Public Comments:**

Jo-Ann Coffey-Fasulo, Pearl River, is against overriding the 2% tax cap limit. She said Rockland is the third highest taxed County and government should be run as a business. Mike Mandel, Pearl River, is against this local law. He spoke about how higher taxes discourage new business and new businesses mean lower taxes. He asked about the college charge-backs, spending cuts and a hiring freeze.

Eileen Larkin, Palisades, asked if the 2014 budget included any additional OBAMA health care costs. Her suggestions to lower taxes included a sales tax law be created for online purchases, raise fees, not to create new departments and only hire to replace employees who have retired.

Habib Hasan, Pearl River, has no understanding why the Governor implemented a 2% tax limit.

Somnath Kouduru, Tappan, is against overriding the tax cap limit. He recommended allowing large companies and big box stores in Orangetown, raise revenue, and outsource both golf courses.

**RESOLUTION NO. 466****CLOSE PH/ PROPOSED LOCAL LAW  
PROPERTY TAX CAP OVERRIDE  
FISCAL YEAR 2014**

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

RESOLVED, that the public comments portion is hereby closed.

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

Noes: None

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**RESOLUTION NO. 467****TOWN BOARD/LEAD AGENCY  
PROPERTY TAX CAP OVERRIDE  
FISCAL YEAR 2014**

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

RESOLVED, that the Town Board hereby declares itself to be Lead Agency for review under SEQRA, relating to the adoption of a Local Law overriding the Tax Levy Cap for FY 2014.

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

Noes: None

**RESOLUTION NO. 468****SEQRA DECLARATION/PROPERTY  
TAX CAP OVERRIDE/FISCAL YR 2014**

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

WHEREAS, the Town Board has assumed the status of Lead Agency for environmental review in connection with the adoption of a Local Law relating to the override of the Tax Levy Limit provided at § 3-c of the N.Y.S General Municipal Law; and

WHEREAS, the Town Board has reviewed and approved the Short Environmental Assessment Form prepared and filed in connection with the proposed action; and

WHEREAS, the Town Board is familiar with the reasons why, in its collective judgment, the Town is required to exceed the Tax Levy Limit for Fiscal Year 2014;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, acting in its capacity as Lead Agency under the N.Y.S. Environmental Quality Review Act, determines and declares that the proposed action consisting of the adoption of a Local Law authorizing the override of the limit on the amount of real property taxes that may be levied by the Town of Orangetown pursuant to General Municipal law § 3-c, thereby allowing the Town to adopt a budget for the fiscal year 2014 that requires a real property tax levy in excess of the “tax levy limit” will not have a significant adverse environmental impact, and authorizes the Supervisor to execute a Determination of Non-significance in the form attached.

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

Noes: None

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**STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)  
NEGATIVE DECLARATION  
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

DATE: October 22, 2013

LEAD AGENCY: The Town Board of the Town of Orangetown  
Orangetown Town Hall  
26 Orangeburg Road  
Orangeburg NY 10962

This Notice is issued pursuant to Part 617 of the implementing regulations of Article 8 (SEQRA) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant effect on the environment.

**TITLE OF ACTION:**

Local Law, authorizing the override of the Tax Levy Limit provided at General Municipal Law § 3-C for Fiscal Year 2014.

**SEQRA STATUS:**

Unlisted Action

**DESCRIPTION OF ACTION:**

The proposed action consists of the adoption of a Local Law, overriding the limit on the amount of real property taxes that may be levied by the Town of Orangetown pursuant to General Municipal law § 3-c, thereby allowing the Town to adopt a budget for the fiscal year 2014 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

**REASONS SUPPORTING THIS DETERMINATION:**

Among other reasons, the override is made necessary by the proposed charge back to the Town of various expenses formerly paid by the County of Rockland, as well as by the resolution of certain real property tax certiorari proceedings, and the payment of refunds and the loss of assessment associated therewith.

In addition, the Town recently concluded labor negotiations with both unions, resulting in a multi-year contracts that include wage increases slightly in excess of 2% for fiscal 2014.

As a result of the aforesaid, the Town tax levy “may” exceed the 2% cap, and, therefore, as a matter of prudent government, it is in the Town’s interest to override the tax levy cap, so as to avoid the consequences of exceeding the levy cap where there is no override.

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Based on the aforesaid, the Town Board determines that there will be no significant adverse environmental impact as a result of the proposed action.

**RESOLUTION NO. 469****FAILED/PROPOSED LOCAL LAW  
PROPERTY TAX CAP OVERRIDE  
FISCAL YEAR 2014**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Valentine and on a roll call **FAILED**:

RESOLVED, that the Town Board hereby adopts a Local Law, amending Town Code, Chapter 34, Article VIII, entitled “Tax Levy Limit Override”, approving the override of the 2% Tax Levy Cap, as set forth in General Municipal Law § 3-c for Fiscal Year 2014.

Ayes: Councilman Valentine  
Supervisor Stewart

Noes: Councilpersons Troy, Diviny, Morr

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(PROPOSED LOCAL LAW TEXT)  
**AUTHORIZING THE OVERRIDE OF THE TAX LEVY LIMIT  
PROVIDED AT GENERAL MUNICIPAL LAW  
§ 3-C FOR FISCAL YEAR 2014**

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

*Section 1:* Chapter 34, Article VIII, of the Town Code of the Town of Orangetown, entitled “Taxation”, is hereby amended to add Sections 34-39 through 34-42, inclusive, which shall read as follows:

**ARTICLE VIII  
Tax Levy Limit Override – Fiscal Year 2014**

**§ 34-39 Legislative Intent.**

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Orangetown pursuant to General Municipal Law § 3-c, and to allow the Town Board of the Town of Orangetown to adopt a budget for the fiscal year 2014 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Among other reasons, the override is made necessary by the proposed charge back to the Town of various expenses formerly paid by the County of Rockland, as well as by the resolution of certain real property tax certiorari proceedings, and the payment of refunds and the loss of assessment associated therewith.

**§ 34-40 Authority.**

This Local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

**§ 34-41 Tax Levy Limit Override.**

The Town Board of the Town of Orangetown, County of Rockland, is hereby authorized to adopt a budget for the fiscal year 2014 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law § 3-c.

**§ 34-38 Tax Levy Limit Override.**

If any clause, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

*Section 2: Effective Date.* This Local Law shall take effect immediately upon its filing with the Secretary of State.

**RESOLUTION NO. 470****2014 PRELIMINARY BUDGET  
RECEIVED/FILED**

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

RESOLVED that the 2014 Preliminary Budget is received and filed, in the Town Clerk's Office, for anyone to review. The 2014 Supervisor's Tentative Budget became the 2014 Preliminary Budget.

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

Noes: None

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**RESOLUTION NO. 471****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 that upon the recommendation of the Town Attorney, a public hearing to consider a 1 (one) year 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 November 12<sup>th</sup>, 2013 at 8:00PM.

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

Noes: None

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**RESOLUTION NO. 472****AID/ STUDENTS AGAINST DESTRUCTIVE DECISIONS (SADD) WALK/RUN**

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

RESOLVED that upon the recommendation of the Superintendent of Highways, the request for aid, from Students Against Destructive Decisions (SADD), by providing barriers to block intersections where runners are crossing for their Walk/Run on October 26, 2013 is hereby approved.

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

Noes: None

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**RESOLUTION NO. 473****AID/HALLOWEEN AND HOLIDAY PARADES/ORANGEBURG FIRE DEPT**

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

RESOLVED that upon the recommendation of the Superintendent of Highways, the request for aid, from the Orangeburg Fire Department, by providing barricades and trash barrels, for their Halloween (10/31/13) and Holiday (12/14/13) parades, is hereby approved.

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

Noes: None

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**RESOLUTION NO. 474****SHOWMOBILE/ORANGEBURG FIRE DEPT/HOLIDAY PARADE**

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

RESOLVED that upon the recommendation of the Superintendent of Parks and Recreation, the request for the use of the showmobile, by the Orangeburg Fire Department for the 2013 OVFA Holiday Parade on Saturday December 14<sup>th</sup> 2013 at a rental cost of \$350.00 with a certificate of insurance listing the Town of Orangetown as additionally insured is approved.

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

Noes: None

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**RESOLUTION NO. 475****CERTIFICATE OF REGISTRATION 2013 SEWER WORK**

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

RESOLVED that upon the recommendation of the Town Attorney and the Director of the Department of Environmental Management and Engineering, a Certificate of Registration for 2013 Sewer Work is approved to:

ABP Contracting Corporation P.O Box 545 Washingtonville NY 10992

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

Noes: None

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**RESOLUTION NO. 476****APPOINT LIZBETH BUCK/SENIOR  
CLERK TYPIST/JUSTICE COURT**

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

RESOLVED that upon the recommendation of the Justice Court Clerk, Lizbeth Buck is hereby appointed to the position of Senior Clerk Typist, provisionally, Grade 5, Step 4 at a salary of \$44,594.00, effective October 28, 2013.

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

Noes: None

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**RESOLUTION NO. 477****POLICE FIELD TRAINING  
PROGRAM PERMISSION GRANTED**

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

RESOLVED, that upon the recommendation of the Police Chief, permission is hereby granted for three (3) Police Officers to attend the Field Training Officer Program, Scotch Plains, NJ, November 18-20, 2013, at cost of \$1,949.34.

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

Noes: None

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**RESOLUTION NO. 478****POLICE BASIC SCHOOL RESOURCE  
OFFICER COURSE/PERMISSION  
GRANTED**

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

RESOLVED, that upon the recommendation of the Police Chief, permission is hereby granted for one (1) Police Officer to attend the Basic School Resource Officer Course, Poughkeepsie, NY, November 4-8, 2013, at cost of \$1,246.84.

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

Noes: None

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**RESOLUTION NO. 479****ACCEPT/RECEIVE/FILE DOCUMENTS**

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

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

1. September 24, 2013 Regular Town Board Meeting/Audit/Executive Session Minutes and October 1, 2013 Police Commission/Executive Session Minutes.
2. DEME SPDES NY- 0026051, September 2013 Monthly Report

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

Noes: None

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**RESOLUTION NO. 480****APPROVE CHANGE ORDER/CURED IN PLACE SEWER REPAIR CONTRACT**

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

RESOLVED, that change order to the current Sanitary Sewer Improvement contract (DEME 41-2013) to include the repair of two collapsing sewer lines, using the cured-in-place pipe lining method, at a cost not to exceed \$29,000.00 is hereby approved.

The said repairs are of an emergency nature, based on existing conditions and imminent threat of collapse. The additional costs will be paid from funds previously appropriated in DE|ME budget line G.8197.452, of the 2013 operating budget.

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

Noes: None

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**RESOLUTION NO. 481****AUTHORIZE 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 \$915,623.08.

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

Noes: None

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**RESOLUTION NO. 482****ADJOURNED/MEMORY**

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

RESOLVED, that the Town Board adjourned in memory of Eugene Cantwell, Blauvelt, a WWII Veteran, former President of the Blauvelt Lions Club and a member of the Blue Hill Golf Course Advisory Board; and Theodore Dusanenko, former Rockland County Legislator, former Clarkstown Councilman and Clarkstown Supervisor, at 10:15 p.m.

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

Noes: None

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**Charlotte Madigan, Town Clerk**