

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
WEDNESDAY NOVEMBER 5, 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:

Councilman Thomas Diviny
Councilman Denis Troy
Councilman Thomas Morr
Councilman Paul Valentine

Also present: Charlotte Madigan, Town Clerk
John Edwards, Town Attorney
Teresa Kenny, Deputy Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Joseph Moran, Commissioner of DEME
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks and Recreation
Robert Simon, Receiver of Taxes
Donna Morrison, Human Resource Coordinator
Donald Butterworth, Police Captain

Paul Valentine, Marine, led the Pledge of Allegiance to the Flag.

Summary of Public Comments:

Ed Beatty, Pearl River, said it is unfair that building permit fees were waived for the Gaelic Athletic League and not the Pearl River Excelsior Fire Department or any other non-profit. He asked that the waiving of fees for the Gaelic League be rescinded or the Fire Departments paid fees be refunded. When we charge the fire departments, it is actually charging the taxpayers. Esta Baitler, Sparkill, wants to know when the sidewalks along Route 340 are going to be installed.

Mike Mandel, Pearl River, asked whether the Parking Enforcement Aide is a new position or a replacement and that the school district's name be included in Tax Certiorari resolutions. Kevin Stapleton, Orangeburg and a NYC paramedic, is concerned about traffic/pedestrian safety. He asked for a barrier on the south side of Orangeburg Road, between Blaisdell Road and Dutchess Drive.

Watson Morgan, Blauvelt, said give backs from developers should be put toward improvements to our parklands and open space. As per Mr. Stapleton's request, he would prefer trees rather than a barrier.

Andrew Wiley, Pearl River, thanked Officer McNally and Officer Drain and all of the emergency responders, for their help with his mother. He believes the sidewalks, along Route 340, should have been done years ago by the developers. Now, the sidewalks are at the taxpayers' expense.

RESOLUTION NO. 499

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

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

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RESOLUTION NO. 500

OPEN PH/2015 PRELIMINARY BUDGET

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

RESOLUTION NO. 500 - Continued

RESOLVED, that the 8:00 p.m. public hearing to consider the 2015 Preliminary Budget is hereby opened.

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

The Town Clerk presented the Certified Resolution of the Budget Calendar; a copy is labeled Exhibit 11-A-14 and made a part of these minutes.

Summary of Public Comments:

Andrew Wiley, Pearl River, suggested the Town Board discuss with the County about receiving a host fee for the Rockland County Sewer District 1 located in the Town. He spoke about Orangetown's property assessments compared to other towns.

David Newman, Nyack, supports the Preliminary Budget. It is important to stay within the tax cap as to not overburden the taxpayers.

Annamarie Uhl, Blauvelt, asked the Town Board what is being used out of the fund balance.

Charlotte Madigan, Town Clerk, addressed the Town Board pertaining to an increase in staff, regarding Filming. Filming is a growing industry and an excellent revenue entity. It takes an enormous amount of work and time to address filming, particularly, the impact on the Town. I want it to be a positive impact, while at the same time, to make sure it is not intrusive, within the community. In 2014, Film permits have brought in over a quarter million dollars. Homeowners and businesses are excited and also enjoy the financial benefits. It is important to add additional staff now, someone that can be taught and fostered, to preview these complicated requests that often require an on-site visit of where the filming will take place. This staff hire would also be able to perform all duties within this office, as well as learning the Tax Collection system that will be inherited, by the end of 2017.

RESOLUTION NO. 501**CLOSE PH/2015 PRELIMINARY BUDGET**

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

RESOLVED, the public portion is hereby closed.

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

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RESOLUTION NO. 502**TOWN BOARD DECISION/2015
PRELIMINARY BUDGET**

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

RESOLVED, that the Town Board reserves their vote on the 2015 Preliminary Budget to November 18, 2014.

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

RESOLUTION NO. 503**APPOINT/ BRIAN TERRY (ACABOR)
ARCHITECTURE & COMMUNITY
APPEARANCE BOARD OF REVIEW**

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

RESOLVED, that the Town Board hereby appointed Brian Terry, to the Architecture and Community Appearance Board of Review (ACABOR), for the period commencing on November 5, 2014 and expiring December 31, 2016 (filling the remainder of Jack Messina's term).

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

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RESOLUTION NO. 504**APPOINT/ STEPHEN SWEENEY
PLANNING BOARD**

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

RESOLVED, that the Town Board hereby appointed Stephen Sweeney, to the Planning Board, for the period commencing on November 7, 2014 and expiring December 31, 2016 (filling the remainder of John Foody's term).

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

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RESOLUTION NO. 505**APPOINT/ PAUL PAPAY (ACABOR)
ARCHITECTURE & COMMUNITY
APPEARANCE BOARD OF REVIEW**

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

RESOLVED, that the Town Board hereby appointed Paul Papay to the Architecture and Community Appearance Board of Review (ACABOR), for the period commencing on November 7, 2014 and expiring December 31, 2014 (filling the remainder of Stephen Sweeney's term).

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

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RESOLUTION NO. 506**PERMISSION GRANTED/DEME
NYSDEC EROSION & SEDIMENT
REQUIRED TRAINING**

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

RESOLVED, that the Town Board hereby grants permission to the following employees from DEME; Joe Mendicino, Tom Edatell, Joe Moran and Bruce Peters, to attend the NYSDEC Endorsed 4 Hour Erosion & Sediment Control Required Training, on December 9, 2014 at the

RESOLUTION NO. 506 - Continued

Rockland County Fire and Training Center at a cost of \$65.00 per person. Total cost of \$260.00 to be charged to account A.1440.441.

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

Noes: None

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RESOLUTION NO. 507**APPROVE/TAX CERTIORARI
ESGATE ENTERPRISES, LLC**

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

RESOLVED, upon the recommendation of the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign the Consent Order regarding the tax certiorari proceeding *Esgate Enterprises, LLC v. The Assessor of the Town of Orangetown, et al.*, Tax Map designation 75.37-1-5 and 7, located at 167 Tweed Blvd, Nyack, for the tax assessment year 2011, for a total refund by the County of \$523, a total refund by the Town of \$303 and a total refund by the South Orangetown School District of \$3,642. 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 Morr, Troy, Diviny, Valentine
Supervisor Stewart

Noes: None

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RESOLUTION NO. 508**APPROVE/AMENDMENT TO GRANT
OF EASEMENT/155 CORPORATE
DRIVE, LLC**

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

WHEREAS, the Town Board by Resolution 2013-193 granted an Easement to 155 Corporate Drive, LLC over lands owned by the Town at Hunt Road, Orangeburg, New York and more fully identified as Tax Lot 73.15 Block 1, Lot 17, for the purposes placing telecommunications facilities therein to facilitate the development of the premises located at 155 Corporate Drive, Orangeburg, New York and

WHEREAS, said Easement was recorded with the Rockland County Clerk's Office on June 26, 2013 as Instrument No. 2013-23515 and

WHEREAS, 155 Corporate Drive, LLC, the grantee under the easement, has requested that the easement area be amended so as to reflect a minor change in the easement area to reflect a change that needed to be made during construction of the telecommunications facilities that have been placed underground pursuant to said grant of Easement, and

WHEREAS, the Town has reviewed the request and a proposed "Amendment to Grant of Easement" and determined that the proposed amendment to the easement does not add any additional land area to the easement; provides a description of the land area to be released from the original easement, and is for the purpose of shifting said easement approximately five feet to accurately reflect the location of the telecommunications facilities located on the subject property,

WHEREAS, the original Grant of Easement pursuant to Resolution 2013-193 was subject to permissive referendum and no petition was filed with respect thereto and this action represents an amendment to the existing Grant of Easement and a de minimus change in location, with no increase in the net land area that is subject of the Easement,

RESOLUTION NO. 508 - Continued

NOW THEREFORE, it is hereby resolved that the Town hereby consents to an Amendment to Grant of Easement which Grant of Easement was filed on June 26, 2013 with the Rockland County Clerk's Office as Instrument No. 2013-23515 and which Amendment amends the description of the land over which the Easement runs and does not result in any change of the total land area over which the Easement runs. Said Amendment is fully described in Schedule A to said Amendment and the area to be released from the original Grant of Easement is fully described therein and

BE IT FURTHER RESOLVED that said Amendment to Grant of Easement may be executed by the Supervisor or his designee, and that such Amendment to Grant of Easement shall be recorded in the Rockland County Clerk's Office at the expense of the Grantee.

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

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RESOLUTION NO. 509**AWARD BID/ NIKE ARCHIVE
BUILDING ROOF/STILES
CONTRACTING**

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

WHEREAS, the Superintendent of Parks and Recreation and Buildings duly advertised for sealed bids for the replacement of the Nike Archive Building roof, which were received and publicly opened on October 23, 2014; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet are labeled Exhibit 11-B-14, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to the lowest qualified bidder, Stiles Contracting, Congers NY. We are selecting bid item Alternate A, the roof covering the archive area, at a cost of \$34,120.00.

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

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RESOLUTION NO. 510**APPOINT/ JOSEPH LUCIANO
PARKING ENFORCEMENT AIDE (PT)**

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

RESOLVED, appoint Joseph Luciano to the position of Parking Enforcement Aide (PT), provisionally, effective November 6th, at a salary of 18.94 per hour.

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

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RESOLUTION NO. 511**AWARD BID/NEW CHASSIS
MOUNTED SELF-CONTAINED
PATCHING UNIT/ DELUXE
INTERNATIONAL TRUCKS**

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

RESOLUTION NO. 511 - Continued

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for the purchase of a new chassis mounted self-contained patching unit, which were received and publicly opened on September 25, 2014; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet are labeled Exhibit 11-C-14, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Deluxe International Trucks, Hackensack, New Jersey, in the amount of \$169,728.00 with option #3 in the amount of \$580.00 and option #4 in the amount of \$475.00 for a total of \$170,783.00.

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

Noes: None

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RESOLUTION NO. 512**ACCEPT/RECEIVE/FILE/ 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:

- DEME'S SPDES NY – 0026051; September 2014 Monthly Report.
- September 23, 2014 Regular Town Board/Executive Session minutes; September 30th Ambulances/Paramedics Budget/Executive Session minutes; October 7, 2014 Regular Town Board Meeting minutes; and October 14, 2014 Executives Session minutes.
- PILOT Agreements for Thorpe Village and Dowling House, dated October 28, 2014.

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

Noes: None

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RESOLUTION NO. 513**APPROVE/CONTRACT/NYACK
HOSPITAL EMPLOYEE ASSISTANCE
PROGRAM**

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

RESOLVED, upon the approval of the Town Board, authorize the Supervisor to sign the contract between Nyack Hospital and the Town of Orangetown for the Employee Assistance Program for the term of October 1, 2014 – October 1, 2015, in the amount of \$9,728.00.

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

Noes: None

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RESOLUTION NO. 514**SET PUBLIC HEARING RELATING
TO THE INCREASE AND
IMPROVEMENT OF FACILITIES AT
THE ORANGETOWN SEWER
DISTRICT**

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

RESOLVED, upon the recommendation of the Town Attorney, a public hearing is scheduled for November 18, 2014 at 8:00 pm to consider a \$2,000,000 increase and

RESOLUTION NO. 514 - Continued

improvement of the Orangetown Sewer District; a copy of Order Calling Public Hearing is labelled Exhibit 11-D-14 and made a part of these minutes.

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

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RESOLUTION NO. 515**PAY VOUCHERS**

Supervisor Stewart 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 \$985,738.68.

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

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RESOLUTION NO. 516**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, Police Captain Butterworth and Donna Morrison.

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

RESOLVED, that the Town Board entered Executive Session to discuss a particular personnel matter, at 9:50 p.m. Supervisor Stewart said no further votes will be taken.

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

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RESOLUTION NO. 517**REENTERED RTBM/ADJOURNED
MEMORY**

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

RESOLVED, that the Town Board re-entered the Regular Town Board Meeting and adjourned, in memory of Domingo Marrero, Nyack; Frances Elizabeth Donohue, Nanuet; Jean Gardner, formerly Nyack Village Clerk; Robert E. Schwarzler, Orangeburg; and Barbara Smellegar, Pearl River, at 10:37 p.m.

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

Charlotte Madigan, Town Clerk