

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, NOVEMBER 10, 2015**

This Regular Town Board Meeting was opened at 7:40 p.m. Supervisor Stewart presided and Charlotte Madigan, Town Clerk, called the roll. Present were:

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

Also present: Charlotte Madigan, Town Clerk  
John Edwards, 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, Recreation & Building Maint.

Pledge of Allegiance to the Flag of the United States of America was led by Esta Baitler.

Summary of Public Comments:

Victor Damico, Blauvelt, spoke about parking on Klee Lane, during the masses at St. Catharine's. The parking is a quality of life issue and not safe. He requested that "No Parking" stays in place.

Eileen Larkin, Palisades, is pleased Hi-Tor is coming to Orangetown. She was horrified that the Board allowed a resident's reputation to be demeaned at last week's meeting. She thinks residents need a better breakdown of the golf courses' revenues and expenses.

Esta Baitler, Sparkill, wants a para-transit bus service and a bus shelter on Route 340.

Mike Mandel, Pearl River, is in favor of a partnership for Blue Hill Golf Course (BHGC). He asked about insurance for the sewage overflow, what the Town was reimbursed, and when the Town Code will be revised, banning the manufacturing of BTX.

Fred Devan, Piermont, is in favor of any savings at BHGC. He asked, what are the green fees going to be; is there a contract; and why are people against a partnership.

Heather Hurley, Stop Anellotech, wished happy 240<sup>th</sup> birthday to the US Marine Corps and thanked all of our men and women for their service. She asked Councilman Valentine: how he demanded 24-hour exhaust monitoring at Anellotech, when it was not included in the original plan; how he can demand safeguards as conditions for approval; to explain the work he did to enact banning of manufacturing of BTX; his opinion of Anellotech's self-reported data; why is emission data reported differently to the DEC; and an explanation of his statement "Anellotech must never be allowed to harm our community, our quality of life, or our health".

Amy Wertheim, Pearl River, wished the Marines a happy 240<sup>th</sup> birthday and thanked all the service men and women for our freedom. She appreciates Councilman Valentine's support against Anellotech. She requested, Councilman Valentine have the letter stating, "but there are people who would deny us the opportunity to become a leading community in removable high tech bio research and development..." be removed from the RBA's website.

Michael La Placa, Blauvelt, said parking on Klee Lane has always been a problem, especially during the masses at St. Catharine's. He is very pleased that "No Parking" signs have been erected. He does not understand why the parishioners are fighting this safety issue.

David Wolk, Palisades, said it is a privilege and pleasure to live in Orangetown. BHGC is an extraordinary asset and he is in favor of the existing management at BHGC.

Larry Sparber, CSEA Labor Relations Representative, commented on the BHGC partnership and the impact on town employees. There are provisions in the contract between CSEA town employees and the Town regarding layoff procedures and bumping rights. Rockland County Department of Civil Service has oversight of job abolition and changes in job structure.

Rockland County has not had any direct communication with Orangetown regarding any prospected changes in job status. CSEA has the right to impact negotiations for employees. There is a fear that employees will lose their jobs, due to bumping rights.

Dennis Brophy, Orangeburg, understands that the BHGC’s \$250,000 bond will be paid in full this year and the current Maintenance Dept.’s proposal will save hundreds of thousands of dollars. At this time, the course is at a break-even or profitable situation. He thinks the RFP’s should be revisited next year.

Chris Smith, Pearl River, congratulated Paul Valentine, Jerry Bottari and Andy Stewart, on their elections. He hopes new legislation for banning the manufacturing of BTX will pass soon. He does not want to see any employee lose their job but something has to be done at BHGC.

Tom De Prisco, Pearl River, knows that the Town Board makes decisions on zoning laws; related property uses and appointments to the Land Use Boards. He believes all decisions affecting many residents should be made by elected representatives and not appointed officials. What law mandates how we manage our Land Use Boards? He is not recommending abolishing them but the Town Board make the final decisions.

Charlotte Madigan, Town Clerk, personally thanked all of the Veterans. She said, this is particularly appropriate because it is the birthday of Semper Fi to all the Marines. Tomorrow, we should all recognize, not only, our Veterans, the loss of life and limb and the importance of our freedom and why we can meet here and agree or disagree on the information that we share with one another.

**RESOLUTION NO. 481**

**CLOSE PUBLIC COMMENTS**

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

RESOLVED, that the public portion is hereby closed.

Ayes: Councilpersons Valentine, Morr, Diviny  
Supervisor Stewart

Noes: None

Absent: Councilperson Troy

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**RESOLUTION NO. 482**

**TOWN BOARD CALENDAR/CHANGE**

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

RESOLVED, the Town Board meeting calendar has been hereby amended as follows:

November 17, 2015, 8:00pm – 2016 Budget Meeting/Continuance (changed from a Workshop)

December 1, 2015, 8:00pm – Workshop (changed from a Regular Town Board Meeting)

December 8, 2015, 7:30pm – Regular Town Board Meeting (changed from a Workshop)

Ayes: Councilpersons Diviny, Valentine, Morr  
Supervisor Stewart

Noes: None

Absent: Councilperson Troy

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**RESOLUTION NO. 483**

**PERFORMANCE BOND/VIRGINIA  
HOMES SUBDIVISION/WILLIAM ST  
& SPARKILL AVE/KEVIN RAMSAY  
77.08-5-33.2 & 36**

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

WHEREAS, Kevin Ramsay as owner of certain property located at William Street and Sparkill Avenue, Sparkill, New York, (Tax Lots 77.08 Block 5 Lots 33.2 and 36) applied for and received subdivision and site plan approval from the Town of Orangetown Planning for said property pursuant to Planning Board decisions #2012-37, 2013-43 and 2015-43 for the project known as “Virginia Homes Subdivision” and

**RESOLUTION NO. 483 - Continued**

WHEREAS, pursuant to the aforesaid approvals, the Planning Board required that the applicant post a Performance Bond in the amount of \$106,920.00 to ensure the construction and completion of certain public improvements within the subdivision, and

WHEREAS, the applicant has submitted a fully executed Performance Bond dated October 22, 2015, along with a Letter of Credit issued by Bank of America, N.A., No. 68120759 in the amount of \$106,920.00 naming the Town of Orangetown as beneficiary, as collateral for such Performance Bond, which Bond and Letter of Credit have been approved as to form and substance by the Town Attorney’s Office,

NOW THEREFORE IT IS HEREBY RESOLVED THAT, the Town hereby formally accepts, receives and files a Performance Bond from Kevin Ramsay in favor of the Town of Orangetown with respect to the Virginia Homes Subdivision, William Street and Sparkill Avenue, Sparkill, NY (Tax Lot 77.08 Block 5 Lots 33.2 and 36), which Performance Bond requires completion of certain public improvements no later than September 9, 2017, and

BE IT FURTHER RESOLVED THAT, the Town hereby formally accepts, receives and files with the Office of the Town Clerk a Performance Bond dated October 22, 2015 from Kevin Ramsay and a Letter of Credit issued by Bank of America, N.A., NO. 68120759 in favor of the Town of Orangetown in the amount of \$106,920.00 to be held as collateral for said Performance Bond, to be returned only upon satisfactory completion of said public improvements according to Planning Board decision 2015-43, any Town departments having jurisdiction thereof, and formal resolution of the Town Board.”

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

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**RESOLUTION NO. 484**

**APPROVE/CONSENT/INCORPORATION  
ORANGEBURG COMMONS SEWAGE-  
WORKS CORPORATION**

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

RESOLVED, on application of FB Greenbush, LLC, FB Orangetown Retail LLC, FB Orangetown Retail Two LLC, FB Orangetown Retail Three LLC and FB Orangetown Hotel Two LLC, the Town Board consents to the formation and incorporation of the Orangeburg Commons Sewage-Works Corporation, pursuant to Section 3 of the N.Y. Transportation Corporations Law, for the purposes set forth in the proposed Certificate of Incorporation, made a part of this Resolution.

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

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**RESOLUTION NO. 485**

**AMEND RESOLUTION #448/2015  
ORANGEBURG FIRE DEPT/HOLIDAY  
PARADE/COST OF SHOWMOBILE  
PORT-O-JOHN'S**

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

**RESOLUTION NO. 485 - Continued**

RESOLVED, that Resolution #448/2015 is hereby amended, and upon completion of all necessary paperwork, the Superintendent of Parks and Recreation has forwarded for approval by the Town Board use of three (3) port-o-johns and the “Showmobile” by the Orangeburg Fire Department for their Holiday Parade on Saturday, December 12, 2015, “at a rental cost of \$350.00”, with the organization providing a certificate of insurance, listing the Town of Orangetown as additionally insured.

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

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**RESOLUTION NO. 486**

**GRANT PERMISSION/ALL U.S.  
MILITARY VETERANS /FREE  
GREENS FEES/VETERANS DAY 2015**

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

RESOLVED, that upon the recommendation of the Orangetown Golf Advisory Committee and the Superintendent of Parks and Recreation, free greens fees are hereby granted to all U.S. Military Veterans, regardless of residency, on November 11th 2015, at Blue Hill Golf Course and Broadacres Golf Course, in gratitude for their service to this country. Marketing materials related to this benefit will request the Veterans be prepared to show proof of service.

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

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**RESOLUTION NO. 487**

**AID/PEARL RIVER ROTARY  
CLUB/SHARED CHRISTMAS AND  
HOLIDAYS**

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

RESOLVED, to approve aid to the Rotary Club of Pearl River, for use of the message board, trash receptacles and barricades for the annual “Share Christmas and Holidays” program to be held on Friday, December 11th, 2015, with a rain date of December 18th, 2015, is hereby approved. The requesting organization will provide a certificate of insurance listing the Town of Orangetown as additionally insured.

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

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**RESOLUTION NO. 488**

**PERMISSION GRANTED/POLICE  
FBI BASIC CRISIS NEGOTIATIONS  
CLASS**

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

**RESOLUTION NO. 488 - Continued**

RESOLVED, permission is hereby granted to PO Brandon Myers and PO Richard Holihan, to attend the 40 hour FBI Basic Crisis Negotiations training class, at the Suffolk County Police Academy, Brentwood, NY, on November 16-20, 2015, with travel & lodging expenses, to be charged to account# B.3120.408.16.

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

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**RESOLUTION NO. 489**

**AUTHORIZE/NEW LOTTERY  
AFFORDABLE UNITS/THE  
HOLLOWS AT BLUE HILL**

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

WHEREAS, the Developers of The Hollows at Blue Hill have, in accordance with the terms of the Town's PAC Zone (Chapter 43, §4.66), made four units at The Hollows available for purchase through the Town's below Market Rate Housing Program.

WHEREAS, the income and asset qualifications for potential buyers of the units are specified in Chapter 43, §4.66 of the Town Code

WHEREAS, Chapter 43, §4.67 of the Town Code states that "The Town Board shall develop regulations and procedures relating to, among other things... the solicitation of applications and the selection of potential occupants for the affordable units, with preference given to residents of the Town of Orangetown."

WHEREAS, Resolution No. 409 passed by the Town Board at the September 8, 2015, Regular Town Board Meeting authorized the Town to work with the Rockland Housing Action Coalition to coordinate the qualification of eligible buyers for the affordable units.

WHEREAS, Resolution No. 455 passed by the Town Board at the October 13, 2015, Regular Town Board Meeting authorized the Rockland Housing Action Coalition to contact any past participants in the lottery held in 2009 to ascertain whether any of them were still interested in and eligible to purchase an affordable unit at The Hollows.

WHEREAS, the Rockland Housing Action Coalition has contacted all remaining participants from the 2009 lottery and has not found four eligible or interested buyers for the remaining affordable units at The Hollows.

THEREFORE, the Town Board authorizes the Supervisor's Office and the Rockland Housing Action Coalition to market the units and advertise that a lottery is to be held not sooner than January 21, 2016, to select among eligible buyers for the affordable units. All review of financial applications is to be conducted by the Rockland Housing Action Coalition. There shall be a period of at least 20 days for the town and RHAC to advertise the lottery, and a period of at least 20 days for interested members of the public to submit their applications to the Rockland Housing Action Coalition.

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

**RESOLUTION NO. 490**

**ADOPT/NON-DISCRIMINATION  
POLICY AND GRIEVANCE  
PROCEDURE (PERSONS WITH  
DISABILITIES)**

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

WHEREAS, federal law prohibits the exclusion of an otherwise qualified individual having a disability from participation in, or access to, a benefit of, or be subject to discrimination under, any program, service or activity receiving federal financial assistance or under any program or activity conducted by any Executive agency, based solely on such disability; and

WHEREAS, the Town Board seeks not only to ensure that the Town of Orangetown is eligible to receive federal financial assistance as and when same shall be available, but also to embrace the underlying principle that no otherwise qualified person shall be denied any benefit or opportunity solely because of his or her disability,

NOW, THEREFORE, BE IT RESOLVED, that upon the recommendation of the Town Attorney, the Town Board hereby adopts a non-discrimination policy and grievance procedure, in accordance with § 504 of the Rehabilitation Act of 1973 of the U.S. Department of Health and Human Services, as amended [29 U.S.C. 794, et seq.], and the regulations implementing same, applicable throughout the Town, and further designates the Town Human Resources Coordinator as Section 504 Coordinator thereunder, to hear and determine grievances, and the Town Supervisor as the Appeals Officer to hear and determine appeals from those persons who may be aggrieved by such determinations.

Ayes: Councilpersons Diviny, Valentine, Morr  
Supervisor Stewart

Noes: None

Absent: Councilperson Troy

**TOWN OF ORANGETOWN**

**NON-DISCRIMINATION POLICY AND GRIEVANCE PROCEDURE, RELATING TO  
COMPLAINTS OF DISCRIMINATION OF THE BASIS OF DISABILITY**

(Adopted in accordance with Section 504 of the Rehabilitation Act of 1973, as amended  
[29 U.S.C. 794, et seq.]

**Policy**

It is the policy of the Town of Orangetown not to discriminate on the basis of disability. The Town of Orangetown has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) of the U.S. Department of Health and Human Services regulations implementing the Act. Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance. The Law and Regulations may be examined in the Office of Human Resources Coordinator, who has been designated to coordinate the efforts of the Town of Orangetown to comply with Section 504.

Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for the Town of Orangetown to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

### Procedure

Any person who believes she or he has been subjected to discrimination on the basis of disability' may file a grievance under this procedure. It is against the law for the Town of Orangetown to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

Grievances must be submitted to the Town Human Resources Coordinator (who shall serve as- the -"Section -504 -Coordinator") within 15-days of- the date-the person filing the grievance becomes aware of the alleged discriminatory action.

A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.

The Section 504 Coordinator (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 504 Coordinator will maintain the files and records of the Town of Orangetown relating to such grievances.

The Section 504 Coordinator will issue a written decision within 15-days of the completion of his/her investigation, and, in no event, later than 60-days after the filing of the grievance.

The person filing the grievance may appeal the decision of the Section 504 Coordinator by writing to the Town Supervisor, or his designated representative, within 15-days of receiving the Section 504 Coordinator's decision. The Town Supervisor, or his designee, shall issue a written decision in response to the appeal no later than 30-days after its filing.

The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U.S. Department of Health and Human Services, Office for Civil Rights.

The Town of Orangetown will make appropriate arrangements to ensure that disabled persons are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.

**The procedure set forth above is not intended to supersede the Grievance Procedure set forth in the Collective Bargaining Agreements in force and effect between the Town and the Town's unions. In the event of an employee discrimination claim, cognizable under §504, the aggrieved party may follow either grievance procedure, at his or her option.**

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### RESOLUTION NO. 491

### PAY VOUCHERS

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

RESOLVED, upon the recommendation of the Finance Director, Jeff Bencik, 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 for a total amount of \$2,093,224.07.

Ayes: Councilpersons Morr, Diviny, Valentine  
Supervisor Stewart

Noes: None

Absent: Councilperson Troy

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**RESOLUTION NO. 492**

**ENTER EXECUTIVE SESSION**

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

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

RESOLVED, at 8:50 p.m., the Town Board entered Executive Session to discuss the RFP's for Blue Hill Golf Course. Supervisor Stewart said no further votes will be taken.

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

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**RESOLUTION NO. 493**

**ADJOURNED/MEMORY**

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

RESOLVED, at 9:35 p.m., the Town Board re-entered the Regular Town Board Meeting and adjourned, in memory of Ann Wilhelmina DiFrancesca, S. Nyack; Tobias (Toby) Fennell, Pearl River; Eileen Madigan, Pearl River; Michael (Mikey) Vallo, Pearl River; and Jack Ryan (Trapper), Pearl River.

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

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**Charlotte Madigan, Town Clerk**