

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, DECEMBER 3, 2013**

This Town Board Meeting was opened at 7:35 p.m. Supervisor Stewart presided and the Deputy 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
Teresa Pugh, Deputy Town Clerk
John Edwards, Town Attorney
Teresa Kenny, First Deputy Town Attorney
Jeff Bencik, Finance Director
Stephen Munno, Administrated Assistant
Joseph Moran, Commissioner of DEME
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks and Recreation

Brigid and Claire O'Callaghan led the Pledge of Allegiance to the Flag.

Brigid, Emma, Krista, Claire and Anthony O'Callaghan were presented with Certificates of Recognition for their heroic service to the community. While walking their dog, they saw a house fire. They found the first adult they could find to call 911. Their actions saved the lives of the family and from the house burning down.

The Government Finance Office Association awarded Jeff Bencik, Finance Director and the Finance Department a Certificate for Excellence in Financial Reporting for the annual financial report for the year 2012.

John Giardiello explained the new Flood Zone regulations that have been recommended by NYSDEC. The flood maps and zones have not updated since 1982. In order to stay part of the National Flood Insurance Program, the State is requiring the Town to adopt the new regulations. These new regulations will help homeowners in many ways.

Summary of Public Comments:

Belva Hautag, Tappan, spoke about the increase of speeding traffic on Central Avenue in Tappan. She suggested making it one-way and only allow parking on one side.

John Fogli, Tappan, also requested something to be done to calm the speeding traffic on Central Avenue.

Charlie Scholl, Tappan, opposes the planned senior housing at the intersection of Route 303 and Kings Highway. It will change the quality of life in his neighborhood.

Mary Cardenas, Tappan, lives between the traffic noise from Route 303 and the Palisades Parkway. She is concerned that the planned senior housing will increase truck traffic noise, and Kings Highway will be more dangerous.

Eric Holmes, Tappan, said speeding traffic has increased on Central Avenue. He would like Traffic Calming devices installed for the children's safety.

Jennifer Brennan, Tappan, is against the Brightwood Senior Housing. She is concerned about the egress on King's Highway, truck traffic and the safety for the seniors.

Mary Liggett, Tappan, believes RPC would be a better site for Brightwood Senior Housing. She re-iterated, about the noise from tractor trailers and the noise from the increase in traffic.

Terry Watters, Pearl River, explained there is an increased of speeding traffic on Blauvelt Road. He asked for Traffic Calming devices.

RESOLUTION NO. 537

CLOSE PUBLIC COMMENTS

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

Resolution No. 537 - Continued

RESOLVED, that the public portion is hereby closed.

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

Noes: None

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RESOLUTION NO. 538

**AUTHORIZE TOWN ATTORNEY TO
SUBMIT DRAFT LOCAL LAW TO
N.Y.S. DEC, RELATING TO FLOOD
DAMAGE PREVENTION**

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

RESOLVED, upon the recommendation of the Director of OBZPAE and the Town Attorney, and in order to maintain continued eligibility of properties located within the Town in the National Flood Plain Insurance Program, authorize the Town Attorney to submit to the N.Y.S. DEC for review and approval a draft Local Law that repeals the existing Chapter 14B of the Town Code and adopts a new Chapter 14B, both entitled "Flood Damage Prevention", that includes Base Floodplain Elevations and Advisory Base Floodplain Elevations, as established on a Flood Insurance Rate Map, effective March 3, 2014, and which otherwise meets the standards of the National Flood Insurance Program. A copy of the draft Local Law is incorporated herein by reference; and

BE IT FURTHER RESOLVED, that the said Draft Local Law shall authorize the Town Zoning Board of Appeals to act as the body authorized to hear appeals and to grant variances and other relief from the requirements of the Local Law, as provided therein; and BE IT FURTHER

RESOLVED, that there shall be no fee charged by the Building Department for floodplain review.

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

Noes: None

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RESOLUTION NO. 539

**ACCEPT/RECEIVE/FILE
DOCUMENTS TOWN CLERK'S
OFFICE**

Councilman Troy 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. October 22, 2013 Regular Town Board/Audit Meeting minutes and November 6, 2013 Police Commission/Executive Session minutes.
2. Fire Department's Adopted Budgets: Pearl River, Orangeburg, Sparkill/Palisades, Tappan, Central Nyack, and Nyack Joint.

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

Noes: None

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RESOLUTION NO. 540

**SET PUBLIC HEARING DATE
LOCAL LAW TO AMEND HISTORICAL
AREAS BOARD OF REVIEW**

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

Resolution No. 540 - Continued

RESOLVED, that upon the recommendation of the Town Attorney, a public hearing to consider a local law to amend the Town Code regarding the Historical Areas Board of Review is scheduled for December 17th at 8:00PM

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

Noes: None

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RESOLUTION NO. 541

**HEATON FITZGERALD SUBDIVISION
RELEASE PERFORMANCE BOND
45 MAIN STREET/TAPPAN 77.14-1-5**

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

RESOLVED, upon the recommendation of the Planning Board (PB# 2013-42), the Town Highway Department, DEME and the Town Attorney's Office, the Board hereby authorizes the release of the Heaton Fitzgerald Subdivision Performance Bond (45 Main Street, Tappan NY) and assignment of Certificate of Deposit Account No.911974 held at Union State Bank (now Key Bank) in the amount of \$48,780.00 originally accepted by the Town pursuant to Town Board Resolution 2007-139.

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

Noes: None

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RESOLUTION NO. 542

**AID/TAPPAN 2013 HOLIDAY WALK
CHANGING HEADS/LIBRARY/FIRE
DEPARTMENT/PEOPLE TO PEOPLE**

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, by providing signs and barricades, from Changing Heads, Tappan, for the 2013 Holiday Walk, on December 16, 2013 (6pm – 9pm) is hereby approved.

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

Noes: None

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RESOLUTION NO. 543

**APPLY FOR GRANT UNDER DEC
WATER QUALITY IMPROVEMENT
PROGRAM ("WQIP")**

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

WHEREAS, the Town of Orangetown (hereinafter the "Municipality"), after thorough consideration of the problems associated with the discharge of salt onto the pavement at the Town Highway Department, and its eventual migration through the storm sewers into the Sparkill Creek, has determined that such salts can be captured and recycled as brine for Town roads, thereby reducing the adverse impacts to the creek, and, at the same time, reducing the use and cost of calcium chloride during inclement weather; and

WHEREAS, the Town Board has determined that the capture and recycled use of such salts by the installation of an underground containment tank and related drainage system, as described in the Municipality's grant application and attachments (herein called the "Project") is desirable, is in the public interest, and is required in order to implement the Project; and

Resolution No. 543 - Continued

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY THE ORANGETOWN TOWN BOARD

That the Town Supervisor is authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;

2. That the Municipality agrees that it will fund its portion of the cost of the Project (25% of the estimated cost of \$300,000.00, inclusive of salaries of Highway Administrative personnel) and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;

3. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation.

4. That this Resolution takes effect immediately.

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

Noes: None

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RESOLUTION NO. 544**AUTHORIZE PAY VOUCHERS**

Councilman Diviny 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 \$1,234,628.44.

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

Noes: None

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RESOLUTION NO. 545**ADJOURNED/MEMORY**

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

RESOLVED, that the Town adjourned in memory of Daniel Anselmi, Sr. of Pearl River and employee, Mary Anselmi's father-in-law; JoAnn M. Streppone of Piermont and employee, Fernando Seminelli, mother-in-law; William J. Hayes of Orangeburg; and Ernest G. Capobianco, Sr, of Pearl River, at 9:03 p.m.

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

Noes: None

Charlotte Madigan, Town Clerk