

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, DECEMBER 9, 2014**

This Town Board Meeting was opened at 7:33 p.m. Supervisor Stewart presided  
Present were:

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

Also present:

Teresa Accetta-Pugh, Deputy Clerk  
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  
Donna Morrison, Human Resource Coordinator  
Kevin Nulty, Police Chief

Howard Goldin led the Pledge of Allegiance to the Flag.

The Town Board presented a Proclamation, to Howard Goldin, Commander of the Charles G. Muller Chapter 120, Military Order of the Purple Heart declaring the Town of Orangetown as a Purple Heart town. The Purple Heart is America's oldest Military decoration that is still in use.

Summary of Public Comments:

Thomas DePrisco, Pearl River, asked how can the Planning and Zoning Boards make final decisions that the Town Board has no say in. Anellotech should perform baseline air & soil samples and follow-ups on a regular interval. He implored the Town Board to move their meetings to a night that does not conflict with school board meetings.

Michael Mandel, Pearl River, concurs with Mr. DePrisco regarding meetings. He asked what are the costs and our liability for the Rail-Trail Bridge. He wished all the Jewish people a Happy Hanukkah, all the Christians, a Merry Christmas and all others, a season of joy, hope and peace.

Eileen Larkin, Palisades, requested that Anellotech complete the long Environmental Assessment form. We must extend a courtesy to our Nanuet neighbors regarding meetings relating to Anellotech. She hopes to hear more solutions for the RPC site.

Kathy Kelly, Pearl River, is concerned about chemical compounds that will be generated and formulated by Anellotech. She is opposed to any exposure of these chemicals.

Heather Hurley, Pearl River, requested the January 21st Zoning Board meeting be moved to TZHS. She encouraged the Town to hire an outside consultant to help with the Anellotech project. She wants to know why the DEC was not contacted before the November 19th meeting.

Watson Morgan, Blauvelt, Any company that produces dangerous chemicals should have the highest quality air scrubbers, monitors and filters.

Scott Paness, Nanuet, believes Anellotech is already making Biomass-Derived Benzene and Toluene and has not been truthful on their application. He asked the Town Board to talk to the Land Use Boards opposing this project.

**RESOLUTION NO. 548**

**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. 549****REPEAL/ RESOLUTION 93/2014  
MAINTENANCE/JOSEPH B. CLARKE  
(SECTION 2) RAIL-TRAIL/ACCEPT  
OWNERSHIP OF BRIDGE**

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

WHEREAS, by resolution 93 of 2014, the Town Board approved acceptance of maintenance responsibilities for a pedestrian/bicycle bridge over CSXT, following construction of such bridge by or for the N.Y.S. Department of Transportation (“DOT”) , solely at New York State expense, such maintenance responsibilities limited to the paved surface, trail and related amenities, but not the superstructure thereof; and

WHEREAS, the DOT has advised that, in light of the location of the proposed bridge, i.e., not over, adjacent, or in direct proximity, to a New York State roadway, the State cannot retain ownership or maintenance responsibilities for the bridge; and

WHEREAS, following meetings and discussions between and among the DOT and representatives of the Supervisor’s office, the Town Highway Department and the Town engineer, and upon a review of the plans for the proposed bridge, it appears that, with minimal maintenance costs, and barring the use of salt or other corrosive materials, the structure will have a useful life in excess of fifty years; and

WHEREAS, the Town is satisfied that the benefits associated with a bridge in the proposed location at no cost to the Town outweigh the minimal anticipated maintenance and maintenance costs associated with acceptance of ownership of the bridge,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board repeals resolution 93 of 2014, and adopts the following resolution, accepting ownership of, and maintenance responsibility for the proposed bridge, if and when constructed.

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

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**RESOLUTION NO. 550****ACCEPT/OWNERSHIP/MAINTENANCE  
PEDESTRIAN / BICYCLE BRIDGE  
OVER CSXT (J.B CLARKE RAIL-  
TRAIL)(REPLACING REPEALED  
RESOLUTION 93/2014)**

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

WHEREAS, the New York State Department of Transportation proposes the construction of the Palisades Trailway; and

WHEREAS, the New York State Department of Transportation will include as part of the Palisades Trailway project the paving and upgrading of the Joseph B. Clarke Rail-Trail between South Greenbush Road and Western Highway in the Town of Orangetown; and

WHEREAS, the State will include along the Rail-Trail, a parking lot at the north end of the trail off Western Highway, a bridge over CSXT, drainage improvements, signing, landscaping, bike racks, benches and retaining walls; and

WHEREAS, the State will provide for the construction and installation of the above mentioned work, as shown on the contract plans, relating to the project,

NOW, THEREFORE, BE IT RESOLVED, that upon completion of construction, and following an inspection by the Town’s Engineering Department to ensure compliance with the design plans, the Town of Orangetown will accept ownership of, and maintenance responsibility

**RESOLUTION NO. 550 - Continued**

for, the Rail-Trail and Rail-Trail Bridge over CSXT, when offered for dedication by the State. This will include but is not limited to the paved surface of the rail-trail, the parking lot and Permanent Easement for access at the north end of the trail off Western Highway, clear areas, drainage, signage, landscaping and appurtenances; *provided, however*, it is expressly understood and agreed, and shall be so reflected in any documents of conveyance from the State, that the Town may, but shall not be required to replace, or substantially replace, the said bridge, or any constituent part or component thereof, in the event of catastrophic loss or damage to, the superstructure whether by CSXT or otherwise

BE IT FURTHER RESOLVED, that the clerk of this Town Board is hereby directed to transmit five (5) certified copies of the foregoing resolution to the State Department of Transportation.

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

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**RESOLUTION NO. 551**

**APPROVE/2015 JANUARY/TOWN BOARD MEETING CALENDAR**

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

RESOLVED, that the following 2015 January Town Board Calendar is hereby approved:

01/06/15 – 7:30pm	Re-Organizational Meeting/Audit
01/13/15 – 7:30pm	RTBM/Audit
01/20/15 – 7:00pm	Workshop/Police Commission
01/27/15 – 7:30pm	RTBM/Audit

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

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**RESOLUTION NO. 552**

**APPROVE/ AGREEMENT/ROCKLAND COUNTY/REIMBURSEMENT COUNTER-TERRORISM TRAINING COSTS**

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

RESOLVED, that the Supervisor is hereby authorized to sign an agreement with the County of Rockland, accepting reimbursement in the sum of THIRTY NINE THOUSAND FOUR HUNDRED SIXTY THREE DOLLARS AND 97/100 (\$39,463.97), as reimbursement for counter-terrorism training under the State Homeland Security Program and the LETPP Homeland Security Grant Program for the period September 1, 2012 through February 28, 2015.

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

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**RESOLUTION NO. 553**

**APPROVE/ADOPT-A-SPOT/BLUE SKY LANDSCAPE/TRAFFIC ISLAND DUTCHESS DR/ORANGEBURG ROAD**

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

**RESOLUTION NO. 553**

RESOLVED, upon the recommendation of the Superintendent of Highways, that the Town of Orangetown, a municipal corporation, organized under the Town Law of the State of New York, which Town has a place of business at 26 Orangeburg Road, Orangeburg, New York, 10962, expressly authorizes and approves the Adopt-A-Spot committee, a Commercial Sponsor with Paul Kilgallen, President, Blue Sky Landscape, as part of the Adopt-A-Spot Committee to contribute toward the development and maintenance of a more attractive and litter-free Town Highway R.O.W., segment as described in the Highway Work Permit as Town Property located at the landscaped traffic island at the intersection of Dutchess Drive and Orangeburg Road in Orangeburg, NY, otherwise known as the "SPOT," by performing necessary and/or desired clean-up activities, as particularly set forth in and pursuant to the terms and conditions of the Town of Orangetown Highway Department Commercial Adopt-A-Spot Agreement between the Town of Orangetown Highway Department and "Dutchess Drive Triangle" Commercial Adopt-A-spot committee, Dated: Agreement shall commence upon Town Board Approval.

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

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**RESOLUTION NO. 554****COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items 6 thru 8 are hereby combined.

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

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**RESOLUTION NO. 555****APPROVE/CHIEF OF POLICE/KEVIN NULTY/LABOR AGREEMENT**

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

RESOLVED, upon the request of the Town Board, approve the police management labor agreement between the Town of Orangetown and Chief Kevin Nulty for the period January 1, 2015 through December 31, 2015.

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

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**RESOLUTION NO. 556****APPROVE/POLICE CAPTAIN/DONALD BUTTERWORTH/LABOR AGREEMENT**

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

RESOLVED, upon the request of the Town Board, approve the police management labor agreement between the Town of Orangetown and Captain Donald Butterworth for the period January 1, 2015 through December 31, 2015.

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

**RESOLUTION NO. 557****APPROVE/POLICE CAPTAIN/JAMES BROWN/LABOR AGREEMENT**

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

RESOLVED, upon the request of the Town Board, approve the police management labor agreement between the Town of Orangetown and Captain James Brown for the period October 22, 2014 through December 31, 2015.

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

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**RESOLUTION NO. 558****APPROVE/DONNA MORRISON/27<sup>TH</sup> ANNUAL WORKPLACE LAW CONFERENCE**

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

RESOLVED, that the Town Board hereby grants the following employee from Personnel; Donna A. Morrison, to attend the 27<sup>th</sup> Annual Workplace Law Conference, on December 4, 2014 at the Comfort Inn & Suites in Nanuet, New York at a total cost of \$115.00.

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

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**RESOLUTION NO. 559****APPOINT/ SEWAGE SYSTEM MECHANIC I / KEVIN MCGARVEY**

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

RESOLVED, upon the recommendation of the Commissioner of DEME, and the Human Resources Coordinator, appoint Kevin McGarvey to the position of Sewage System Mechanic I, Grade 14A, Step 8/13 at a salary of \$79,871.00, effective December 9, 2014.

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

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**RESOLUTION NO. 560****APPROVE/TAX CERTIORARI SETTLEMENT/NYACK MEDICAL CENTER LLC**

Councilman Diviny 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 Stipulation regarding the tax certiorari proceeding *Nyack Medical Center LLC v. The Town of Orangetown, et al.*, Tax Map designation 66.21-1-74./1, (111 N. Highland Ave.) for the tax assessment years 2010 through 2014, for a total refund by the County of \$13,256, a total refund by the Town of \$34,129 and a total refund by the Nyack Union Free School District of \$187,578. 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 Diviny, Troy, Morr, Valentine  
Supervisor Stewart  
Noes: None

**RESOLUTION NO. 561****APPROVE/REFERRALS/INTENTION  
TO BE LEAD AGENCY/PROPOSED  
SPECIAL PERMIT FOR MIXED-USE  
EXPANSION/FB ORANGETOWN LLC  
ROUTE 303/PALISADES PARKWAY  
74.15-1-21 AND 74.15-1-22**

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

WHEREAS, FB ORANGETOWN, LLC has petitioned the Town Board for an Expansion Special Permit, and related amendments to its existing Mixed-Use Development Special Permit, pursuant to §§ 4.32(O) and (P) of the Town Zoning Law, relating to properties located in the vicinity of the intersection of State Rte. 303 and the Palisades Interstate Parkway (Exit 5 Interchange), *to wit*, parcels bearing Tax Map designations 74.15-1-22 and 74.15-1-21 on the Tax Map of the Town of Orangetown; and

WHEREAS, the Town Board has made the preliminary determination to consider the request to the extent of referring the proposed amendment for review to various other boards and agencies; and

WHEREAS, the Town Board concludes that the proposed action, if undertaken, would be subject to environmental review under the State Environmental Quality Review Act ("SEQRA"), has determined to commence the environmental review process,

NOW, THEREFORE, BE IT RESOLVED, that the proposed actions are hereby referred to the Rockland County Planning Department for the purpose of review pursuant to General Municipal Law §§ 239-1 & m; and

BE IT FURTHER RESOLVED, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review under SEQRA, and directs that a lead agency coordination letter with relevant documents be circulated to and among the various involved and/or interested agencies.

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

Noes: None

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**RESOLUTION NO. 562****SET PUBLIC HEARING/ PROPOSED  
SPECIAL PERMIT/MIXED-USE  
EXPANSION/ ROUTE 303/PALISADES  
PARKWAY 74.15-1-21 AND 74.15-1-22**

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

RESOLVED, that the Town Board will hold a public hearing on January 27, 2015, at 8 p.m., on a proposed Special Permit for Mixed Use Expansion, pursuant to §§ 4.32 (P) of the Town Zoning Law, allowing the development of property located in the vicinity of the intersection of State Rte. 303 and the Palisades Interstate Parkway (Exit 5 Interchange) (Orangetown Tax Map designation 74.15-1-22) in the Town of Orangetown, and for related amendments to a previously grant and existing Special Permit relating to immediately adjacent property (Orangetown Tax Map designation 74.15-1-21).

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

Noes: None

**RESOLUTION NO. 563****ACCEPT/RECEIVE/FILE/ TOWN  
CLERK'S OFFICE**

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

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

- November 5, 2014 Regular Town Board/Executive Session minutes; November 12, 2014 Executive Session minutes and November 18, 2014 Regular Town Board Meeting minutes.

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

Noes: None

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**RESOLUTION NO. 564****AWARD BID / OLD HUNT ROAD  
PUMPING STATION DEMOLITION**

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

WHEREAS, the Commissioner of DEME, duly advertised for sealed bids, Old Hunt Road Pumping Station Demolition, in the Town of Orangetown, NY, which were received and publicly opened on December 4, 2014 in the Town Clerk's office (Exhibit 12-A-14).

RESOLVED, that upon recommendation of the Commissioner of DEME, this bid is hereby awarded to JOLEB Contracting, the lowest qualified bidder, in the amount of \$161,000.00 to be charged to Capital Improvement Funds budgeted for 2014.

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

Noes: None

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**RESOLUTION NO. 565****APPROVE/POSITION/PRINCIPAL  
ACCOUNT CLERK/FINANCE**

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

RESOLVED, upon the recommendation of the Human Resources Coordinator and Rockland County Personnel, the position of Principal Account Clerk, Grade 15 in the Finance Department, effective November 13, 2014, is hereby established, subject to written CSEA approval. (This is not an additional position; RC Personnel determined that this is a more appropriate title than Account-Keeping Supervisor for the position in the Finance Department).

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

Noes: None

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**RESOLUTION NO. 566****APPROVE/PBA EXTENDED SICK  
LEAVE/EMPLOYEE #2756**

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

**RESOLUTION NO. 566 - Continued**

RESOLVED, the request from the Orangetown PBA, on behalf of Employee #2756, that said employee be allowed to use additional credits from the sick leave bank, contained in the provisions of the Labor Agreement between the Town of Orangetown and the Orangetown PBA, in excess of the 156 hrs (19.5 day) limit, in an amount that permits this employee to remain on the payroll until December 31, 2014.

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

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**RESOLUTION NO. 567****PAY VOUCHERS**

Supervisor Stewart 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 \$1,921,545.43.

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

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**RESOLUTION NO. 568****ENTER EXECUTIVE SESSION  
TALK TO TOWN ATTORNEY  
PARTICULAR PERSONNEL  
QUESTION**

In attendance, at this Executive Session, were Supervisor Stewart, Councilmen Troy, Diviny, Morr, and Valentine, Teresa Kenny, Jeff Bencik, and Donna Morrison.

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

RESOLVED, that at 8:55 p.m, the Town Board entered Executive Session, to talk with the Town Attorney, regarding a conversation and questions, with a particular employee. Supervisor Stewart said no further votes will be taken.

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

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**RESOLUTION NO. 569****REENTERED RTBM/ADJOURNED  
MEMORY**

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

RESOLVED, at 9:13 p.m., the Town Board re-entered the Regular Town Board Meeting and adjourned, in memory of Herbert Kurz, Presidential Life Insurance founder; Pearl Samuels, Orangeburg; William Burgos, Tappan; Julianne Wiley, Pearl River; and Pauline Dizzine, Blauvelt.

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

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Teresa Accetta-Pugh, Deputy Clerk