

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, JULY 19, 2016**

This Regular Town Board Meeting was opened at 7:35 p.m. Supervisor Stewart presided and Charlotte Madigan, Town Clerk, called the roll. Present were:

Councilman Denis Troy  
Councilman Thomas Diviny  
Councilman Paul Valentine  
Councilman Gerald Bottari

Also present: Charlotte Madigan, Town Clerk  
John Edwards, Town Attorney  
Teresa M. Kenny, Deputy Town Attorney  
Jeff Bencik, Finance Director  
James Dean, Superintendent of Highways  
John Giardiello, Director of OBZPAE  
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.  
Kevin Nulty, Police Chief

Pledge of Allegiance to the Flag of the United States of America was led by Ronnie Cummings-Stallone.

Kevin Nulty, Police Chief, requested a moment of silence to honor all Police Officers, all over the world, that have been killed in the line of duty, particularly the five Officers in Dallas, the three Officers in Baton Rouge and one Officer in Kansas City.

**Summary of Public Comments (RTBM):**

Ruth Weber, Upper Grandview Association, is against the Mountain Biking project. The DEC mandated that Clausland Mountain and the Nike Base should not be disturbed. If our town is going to be affected then a representative of the town should be at all these meetings.

Paul Kubarych, Tappan, has many concerns about the proposed bike trails on Clausland Mountain, and the damages it poses to the environment and animal habitats.

Laura Pesanell, Sparkill, mountain biking destroys the natural wilderness habits.

Esta Baitler, Sparkill, believes there should be no time limit for speakers. She is against O & R clear cutting on private property.

Mike Mandel, Pearl River, we fought for years to stop the desalination plant. We must also preserve our greenbelt from damage that mountain bikers may cause. The Town residents deserve a public hearing, before this project or any project in the town is approved.

Allyson Sullivan, Blauvelt, there are still toxic odors coming from Aluf Plastics. What is the Town doing to eliminate these odors?

Dr. Kathleen Kelly, Pearl River, appreciated the moment of silence for the Police Officers. She inquired about the Prohibited Uses amendment and asked for an explanation as what is the Community Development Block Grant.

Heather Hurley, Pearl River, all of the Land Use Boards meeting should be televised. When will the Town Code be updated? She looks forward to a presentation of the Middletown Rd Pedestrian project.

Barbara Delo, Blauvelt, agrees that all Land Use Boards meetings should be televised. Zoning regulations can affect residents and businesses.

**RESOLUTION NO. 343**

**CLOSE PUBLIC COMMENTS**

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

RESOLVED, that the public portion is hereby closed.

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

**RESOLUTION NO. 344**

**OPEN/CONTINUE PH/NEW  
PROPOSED LOCAL LAW/ PARKS**

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

RESOLVED, that the public hearing on a proposed local law, Use of Town Parks, is hereby opened and continued.

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

Summary of Public Comments (PH):

Mike Mandel, Pearl River, taxpayers already supports all of our parks. He believes all Town parks should be included, especially Nike Park and Tackamac Park.

Margaret Thomsen, Tappan, suggested a town pool in Veteran's Park.

Tom Deprisco, Pearl River, Will out of town family members of residents have to pay a fee?

Watson Morgan, Blauvelt, suggested residents pay a small fee.

Ruth Weber, Upper Grandview Association, a town pool referendum was turned down by 80% of the residents. She requested the fence around the Nike Base be repaired.

**RESOLUTION NO. 345**

**CLOSE PH/PROPOSED NEW LOCAL  
LAW/USE OF TOWN PARKS**

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

RESOLVED, that the public hearing on a proposed local law, Use of Town Parks, is hereby closed.

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

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**RESOLUTION NO. 346**

**LEAD AGENCY /SEQRA DECLARATION  
PROPOSED LOCAL LAW /CHAPTER 7A  
USE OF TOWN PARKS**

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

RESOLVED, that the Town Board hereby declares itself to be Lead Agency for environmental review with respect to a new proposed Local Law, amending Chapter 7A of the Town Code, relating to Use of Town Parks; and further determines that such action will not have a significant adverse environmental impact, and, therefore, issues a Negative Declaration with respect thereto under the State Environmental Quality Review Act.

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

**RESOLUTION NO. 347**

**ADOPT LOCAL LAW NO. 6, 2016,  
AMENDING CHAPTER 7A OF THE  
TOWN CODE / USE OF TOWN PARKS**

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

**RESOLUTION NO. 347 - Continued**

RESOLVED, that the Town Board hereby adopts proposed Local Law No. 6, 2016, as amended, amending Chapter 7A of the Town Code, relating to Use of Town Parks.

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

Noes: None

**TOWN OF ORANGETOWN  
LOCAL LAW NO. 6, 2016  
AMENDING CHAPTER 7A OF THE TOWN CODE  
RELATING TO USE OF TOWN PARKS**

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

*Section 1:* Chapter 7A of the Town Code is hereby amended to add a new § 7A-13, relating to Use of Town Parks and Non-resident Use Fees, and as amended shall read as follows:

**§ 7A-13 Registration and admission to certain Town parks, generally**

**A. Purpose and Intent:**

The Town's system of parks and park improvements exist for the benefit of the public at large, yet, presently, is financed primarily by the Town's taxpaying residents and organized fee paying groups, without contribution by others having equal access.

The purpose of this local law is to assist the Town's Department of Parks and Recreation to meet its mission "to deliver leisure time opportunities through safe, well-organized and affordable programs and a comprehensive network of parks, trails and open spaces to promote the mental, physical and social well-being of our residents", through the implementation of a fair and equitable use and fee policy that recognizes both the limited facilities available for use and the cost of maintaining and improving those facilities.

The fee policy established by this local law will enable the Town to continue to provide quality recreation programs and make necessary program expansions which would not otherwise be possible. The fees provided hereby will be used to supplement, not replace, other resources available to the Department of Parks and Recreation, all with a view toward meeting the Town's responsibility to provide public open space and leisure opportunities rightfully expected by the Town's taxpaying residents.

**B. Access to Town Parks.**

Access to Town owned and operating parks is limited to verified Town residents and registered non-residents, except where an exemption has been noted. All visitors to Town Parks should be prepared to show proof of residency or proof of having purchased a non-resident pass from the duly appointed authority. Athletic fields at all Town owned Park facilities are governed by the Field Use Policy; non-resident use of these areas is accounted for under this policy, provided a field permit has been issued or other written agreement is in place. Accordingly, no charge shall be made for any person using a Town owned athletic fields pursuant to the Field Use Policy.

Parks and Recreation Department sponsored programs are primarily for Town residents. Non-resident access is at the discretion of the Superintendent of Parks and Recreation and his/her designated representative.

**LOCAL LAW NO. 6, 2016 - Continued**

Non-Residents are permitted access to Town owned and/or maintained Park facilities provided that they are in the company of a verified resident.

Non-resident passes can be purchased through the Parks and Recreation Department at the applicable fee as outlined in the Parks and Recreation Department fee schedule below, or as amended by resolution of the Town Board.

Areas subject to the within law are the following:

- Veterans Memorial Park
- Independence Park
- Pilgrim Court
- Stoughton Park
- Tappan Park
- Cherry Brook

Partially Exempted Areas:

Sparkill Memorial Park – Depot Square parking area & Veterans Memorial area are exempt.

Athletic Fields when use is permitted under field use policy

Fully Exempt Areas:

All Town recognized Memorial areas

Nike Park

Tackamac Park

JB Clarke Rail Trail

Braunsdorf Park

Borst Park

All undeveloped/partially developed areas not otherwise listed in this section.

<b>Non-Resident Annual Park Access Fees</b>		
<b>Fee Category</b>	<b>Annual Fee</b>	<b>Daily Fee</b>
Non-Resident	\$250.00	\$25.00
Senior (65 and over)	\$150.00	\$15.00
Young Adult (age 12-18)	\$165.00	\$16.00
Child (11 and under)	\$150.00	\$15.00
Veterans	No Charge	No Charge

*Section 2:* The existing § 7A-13, entitled, “Special rules; permits; permit fees; administration and enforcement”, and subsequent sections, respectively, shall be re-numbered § 7A-14 et seq.

*Section 3:* This local law shall take effect immediately upon filing with the Secretary of State.

**RESOLUTION NO. 348**

**OPEN/PH / PROPOSED NEW LOCAL  
LAW/ CHAPTER 43 / USE AND BULK  
FOR CHURCHES AND SCHOOLS**

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

RESOLVED, that the public hearing on a proposed local law, amending Chapter 43 of the Town Code relating to Use and Bulk for Churches and Schools, is hereby opened.

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

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Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and Notice of Posting; copies are labeled Exhibit 07-A-16 and made a part of these minutes.

This amendment (attached) is to adequately address concerns regarding parking considerations and issues related to the bulk requirements at churches, similar places of worship and schools of general instruction.

Summary of Public Comments (PH):

Mike Mandel, Pearl River, is in favor of this amendment. This brings consistency in the Code and makes it clearer.

**RESOLUTION NO. 349**

**CONTINUE PUBLIC HEARING  
PROPOSED NEW LOCAL LAW  
CHAPTER 43 / USE AND BULK FOR  
CHURCHES AND SCHOOLS**

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

RESOLVED, that the public hearing on a proposed local law, amending Chapter 43 of the Town Code relating to Use and Bulk for Churches and Schools, is hereby scheduled to continue on September 13, 2016, 8:00 pm.

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

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**RESOLUTION NO. 350**

**DECLARATION OF INTENTION TO  
BE LEAD AGENCY FOR SEQRA  
PROPOSED LOCAL LAW AMENDING  
CHAPTER 43/ARTICLE III TABLE OF  
GENERAL REGULATIONS**

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

RESOLVED, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review of the proposed action under SEQRA.

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

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**RESOLUTION NO. 351**

**AUTHORIZE/RENEWAL OF  
LEASE/THIRD AMENDMENT TO  
LEASE AGREEMENT / CELLULAR  
TELEPHONE COMPANY/d/b/a AT & T  
WIRELESS, INC /TOWN HALL TOWER**

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

WHEREAS, the Town of Orangetown has a lease agreement with Cellular Telephone Company, d/b/a AT &T Wireless, Inc., dated August 27, 1993, wherein Cellular Telephone Company leases space at the Telecommunications Tower at 26 Orangeburg Road, Orangeburg, New York (the Town Hall Tower); and

WHEREAS, the lease term expired on July 31, 2013, and AT&T Wireless, Inc. seeks an extension and modification to the lease term;

BE IT RESOLVED, that the lease amendment to the August 27, 1993, and Amended on November 2, 2002 and October 20, 2002, between the Town of Orangetown and Cellular Telephone Company d/b/a AT & T Wireless is hereby approved with a rent of \$2900.00 a month, with 3% annual escalations, three renewal terms of five years each and a lump sum payment of \$2900.00 to be paid within 90 days of the execution of the Third lease extension agreement;

BE IT RESOLVED FURTHER, that the Supervisor is hereby authorized to execute the Third Amendment to Lease Agreement.

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

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**RESOLUTION NO. 352**

**TAX CERTIORARI/SETTLEMENT  
WESTSHORE PLAZA**

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

RESOLVED, that upon the recommendation of the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign the Consent Order & Judgment regarding the tax certiorari proceeding *West Shore Plaza, LLC v. The Board of Assessors, et al.*, Tax Map designation 70.14-4-13, (580 Route 303, Blauvelt) for the tax assessment year 2015, for a total refund by the County of \$1,650, a total refund by the Town of \$4,598 and a total refund by the School District of \$13,987. 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 (and Rockland County Finance Dept.).

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

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**RESOLUTION NO. 353**

**TAX CERTIORARI/SETTLEMENT  
MEHL ELECTRIC CO., INC.**

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

RESOLVED, that upon the recommendation of the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign the Consent Order and Judgment regarding the tax certiorari proceeding *MEHL ELECTRIC CO. INC. v. BRIAN KENNEY, et al.*, Tax Map designation 68.20-1-38, (72 South Main Street, Pearl River) for the tax assessment year 2015, for a total refund by the County of \$1,088, a total refund by the Town of \$2,686 and a total refund

**RESOLUTION NO. 353 - Continued**

by the School District of \$10,367. 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 (and Rockland County Finance Dept.).

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

Noes: None

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**RESOLUTION NO. 354**

**ACCEPT/CIRCULATION/ ZONE  
CHANGE PETITION CHAPTER 43  
ZONING AND ZONING MAP / HUSSEY,  
MICHAEL /227 MANOR BLVD /PEARL  
RIVER/ 69.09-1-37**

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

WHEREAS, the owner of premises located at 227 Manor Blvd., Pearl River, New York, bearing Tax Map designation 69.09-1-37, located in the “CO” (Commercial-Office) zoning district, has petitioned the Town Board to change the zoning classification of his property to that of “R-15” (Medium Density-Residence), a zoning district that directly abuts the Petitioner’s parcel; and

WHEREAS, upon preliminary review, the Town Board is favorably disposed to such a change, because the said premises, as developed and used, are more in keeping with the uses permitted in the abutting R-15 zoning district; and

WHEREAS, the Town Board wishes to proceed with its consideration of the proposed action, toward which end it wishes to commence the environmental review process, as well as review by other interested agencies; and

WHEREAS, upon review of the Petition, Short Environmental Assessment Form, and related documents and filings, the Board makes the following preliminary determinations:

The proposed action is one subject to review under the State Environmental Quality Review Act (“SEQRA”); The proposed action as an “Unlisted” action; and

The following are involved or interested or involved agencies in the review process:  
Orangetown Planning Board;  
Rockland County Department of Planning;  
Rockland County Highway Department

NOW, THEREFORE, BE IT 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 above referenced agencies; and

BE IT FURTHER RESOLVED, that the circulation to the Rockland County Department of Planning further be for the purpose of review pursuant to General Municipal Law §§ 239- 1 & m; and

BE IT FURTHER RESOLVED, that, pursuant to Town Code Chapter 43, § 10.5, the Town Board hereby refers the said Petition and a proposed Local Law, amending the Town Zoning Map, to the Town Planning Board, inviting its input regarding, among other things, the implications of such an amendment, and requesting a response within 30-days.

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

Noes: None

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**RESOLUTION NO. 355**

**SET PH / PROPOSED ZONE CHANGE  
FROM "CO" TO "R-15" / HUSSEY,  
MICHAEL / 227 MANOR BLVD  
PEARL RIVER / 69.09-1-37**

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

RESOLVED, that the Town Board will hold a public hearing on September 13, 2016, at 8:10 p.m., on a proposed Local Law, amending Chapter 43, § 2.2, establishing the Town Zoning Map, to change the zoning district of a parcel of property located at 227 Manor Blvd., Pearl River from "CO" to "R-15".

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

Noes: None

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**RESOLUTION NO. 356**

**STATE GRANT/ CULVERTS ON ROUTE  
303/AUTHORIZE SUPERVISOR /TOWN  
FUND 25%/ESTIMATED COST  
\$350,000.00**

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

WHEREAS, flooding of the Sparkill Creek on Rte 303 in the vicinity of Mountainview Ave contributes to pollutant load in the Sparkill Creek, and is a longstanding safety problem impacting traffic, infrastructure and property; and

WHEREAS, a contributing factor to the flooding in this area of Orangeburg and the consequent transportation of pollutants to the Sparkill Creek from standing water in adjacent commercial and industrial areas and from New York State Route 303 is an undersized and deteriorating culvert located at 400 Rte 303,

WHEREAS, the Town Board the Town Board determined that a project to improve water quality in the Sparkill Creek and address the other problems resulting from the regular flooding due to inadequate and deteriorating drainage in the area should be implemented, and to this end secured funding from the New York State Department of Environmental Protection Estuary Management Grant Program 2015 for Local Stewardship Planning to prepare an engineering design for drainage improvements, including stream clearance; and

WHEREAS, the Town Board has determined that the project to construct the Rte 303 culvert and improve stream flow of the Sparkill Creek in the project area is desirable and in the public interest and should be implemented; and

WHEREAS, State assistance is available to municipalities for water quality improvement projects through the Environmental Protection Fund by means of a contract, and the Municipality deems it to be in the public interest and benefit to enter into a contract therewith;

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

1. That the Town Supervisor is authorized to apply for all matters related to State assistance. 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 \$350,000.00, inclusive of salaries of Highway Administrative personnel) and those funds will be available to initiate the Project's field work upon contract execution with the Department of Environmental Conservation;



**RESOLUTION NO. 356 - Continued**

- 3. That this Resolution takes effect immediately.

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

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**RESOLUTION NO. 357**

**STATE GRANT / BRINE RECAPTURE SYSTEM /AUTHORIZE SUPERVISOR TOWN FUND 25% / ESTIMATED COST \$370,000.00**

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

WHEREAS, State assistance is available to municipalities for water quality improvement projects through the Environmental Protection Fund by means of a contract and the Municipality deems it to be in the public interest and benefit to enter into a contract therewith;

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

- 1. That the Town Supervisor is authorized to apply for all matters related to State assistance. 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 \$370,000.00, inclusive of salaries of Highway Administrative personnel) and those funds will be available to initiate the Project's field work upon contract execution with t Department of Environmental Conservation;
- 3. That this Resolution takes effect immediately.

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

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**RESOLUTION NO. 358**

**PERMISSION GRANTED/ P.O. MICHAEL MEGDANIS / FIELD TRAINING OFFICER COURSE**

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

**RESOLUTION NO. 358 - Continued**

RESOLVED, that upon the approval of the Town Board, permission is hereby granted to P.O. Michael Megdanis to attend a Field Training Officer's Course, Broome County, NY, July 11-13 2016, at a cost of \$483.13, to be charged to Account B.3120.408.16.

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

**RESOLUTION NO. 359**

**PERMISSION GRANTED /DET. DAN RYAN/ NYS BASIC JUVENILE INVESTIGATOR TRAINING**

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

RESOLVED, that upon the approval of the Town Board, permission is hereby granted to Det. Daniel Ryan, to attend the NYS Basic Juvenile Investigator's Training in Geneva, NY, August 29, 2016 to September 2, 2016, at a cost of \$1,469.00, to be charged to Account B.3120.408.16.

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

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**RESOLUTION NO. 360**

**PERMISSION GRANTED / DET. FRANK BUHLER / NYS BASIC JUVENILE INVESTIGATOR TRAINING**

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

RESOLVED, that upon the approval of the Town Board, permission is hereby granted to Det. Frank Buhler, to attend the NYS Basic Juvenile Investigator's Training in Geneva, NY, August 29, 2016 to September 2, 2016, at a cost of \$735.00, to be charged to account B.3120.408.16. (Det. Ryan and Det. Buhler will be staying in the same room. The cost of the room has been placed in Det. Ryan's training request.)

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

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**RESOLUTION NO. 361**

**PERMISSION GRANTED / CHIEF KEVIN NULTY /NYS INTELLIGENCE SUMMIT**

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

RESOLVED, that upon the approval of the Town Board, permission is hereby granted to Chief Kevin A. Nulty, to attend the NYS Intelligence Summit in Geneva, NY, September 27-28, 2016, at a cost of \$200.00, to be charged to account B.3120.408.16.

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

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**RESOLUTION NO. 362**

**APPOINT /POLICE RADIO  
DISPATCHER CAD (PROBATIONARY)/  
CLAIRE T. TRACY**

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

RESOLVED, that Claire T. Tracy is hereby appointed to the position of Police Radio Dispatcher-CAD (Probationary), from Rockland County Civil Service List #12045, effective July 20, 2016, at a salary consistent with the terms of the labor agreement between the Town of Orangetown and Orangetown CSEA, (reference to prior Town Board Resolution # 271-2016).

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

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**RESOLUTION NO. 363**

**GRANT PERMISSION/SGT.  
ANTHONY PALAZOLO/NATIONAL  
SPILLMAN TECHNOLOGIES  
CONFERENCE**

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

RESOLVED, that upon the approval of the Town Board, grant permission for Sgt. Anthony Palazolo to attend the National Spillman Technologies, Inc. customer's conference, Salt Lake City, Utah, September 27-29, 2016, with airfare, lodging and registration fees being paid through a contractual agreement between the County of Rockland and Spillman Technologies Inc., and a cost to the Town of Orangetown of \$216.00 for meals/airport parking fees."

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

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**RESOLUTION NO. 364**

**AUTHORIZE /RECEIVER OF TAXES  
IMPOSE FEE / RETURNED CHECKS**

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

RESOLVED, that upon the approval of the Town Board and the recommendation of the Receiver of Taxes, the Receiver of Taxes is authorized to impose a fee of \$20.00 for all returned checks by the bank, due to insufficient funds.

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

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**RESOLUTION NO. 365**

**ADOPT/CERTIFICATE OF CURRENT  
HOMESTEAD BASE PROPORTIONS  
AND ADJUSTED BASE PROPORTIONS  
2016 ASSESSMENT ROLL**

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

RESOLVED, that upon the recommendation of the Assessor, the Town Board hereby adopts the Certificate of Current Homestead Base Proportions and Adjusted Base Proportions (Forms 6701 & 6703) pursuant to Article 19, Section 1903 of New York State Real Property Tax Law for the Levy of Taxes on the 2016 Assessment Roll, and the Town Clerk is hereby authorized to affix Town Certification.

**RESOLUTION NO. 365 - Continued**

For comparison purposes, the following is a table indicating last year's Town-Wide & Town Outside Villages Adjusted Base Proportions:

<u>Town-Wide</u>	<u>2015</u>	<u>2016</u>	<u>TO</u>	<u>2015</u>	<u>2016</u>
<u>Homestead</u>	66.0007	65.67675		64.81862	64.61559
<u>Non-Homestead</u>	33.9993	34.32325		35.18198	35.38441

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

Noes: None

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**RESOLUTION NO. 366**

**SHOWMOBILE/THE PIERMONT PAL  
MUSIC FESTIVAL**

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

RESOLVED, that upon completion of all necessary paperwork, the Superintendent of Parks and Recreation has forwarded for approval by the Town Board use of the Showmobile by The Piermont PAL for their Turning Point Piermont PAL Music Festival on Monday, September 8, 2016 at a rental cost of \$400.00 with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

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

Noes: None

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**RESOLUTION NO. 367**

**SHOWMOBILE/SONS OF ITALY  
ROCKLAND LODGE/ITALIAN FEAST**

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

RESOLVED, that upon completion of all necessary paperwork, the Superintendent of Parks and Recreation has forwarded for approval by the Town Board, use of the Showmobile, by the Sons of Italy Rockland Lodge for their Italian Feast Thursday, September 15, 2016 to Sunday, September 18, 2016 at a rental cost of \$400.00 with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

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

Noes: None

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**RESOLUTION NO. 368**

**AWARD BID/HVAC SERVICES TOWN  
HALL/JOHNSON CONTROLS**

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

WHEREAS, the Superintendent of Parks, Recreation & Building Maint duly advertised for sealed bids for Heating, Ventilation, Air Conditioning and Mechanical Services at Town Hall, which were received and publicly opened on May 23, 2016; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 07-E-16, and made a part of these minutes. Now, Therefore, Be It

**RESOLUTION NO. 368 - Continued**

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation approve a one year contract for HVAC Mechanical and Automation Service to Johnson Controls of Hawthorne, NY in the amount of \$20,332.00 and an additional one time cost of \$5,982.00 for the replacement of automation system components, charged to Account No. 1620.443.

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

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**RESOLUTION NO. 369**

**APPROVE/SURPLUS AND AUCTION  
 EQUIPMENT / PARK MAINTENANCE  
 GOLF COURSES**

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

RESOLVED, upon the recommendation of the Superintendent of Parks and Recreation approve for surplus and auction the following equipment from Park Maintenance, Blue Hill Golf Course and Broadacres Golf Course:

<b>Make</b>	<b>Model</b>	<b>Hours/Miles</b>
Jacobsen	Orange Golf Cart	1080 H
Meyers	8 Ft. Plow	n/a
Jacobsen	Green Golf Cart	1535 H
Western	9 Ft. Plow	n/a
Meyers	7 ½ Ft. Plow	n/a
Jacobsen	Turf Equipment	n/a
Club Car	Tan Golf Cart	n/a
Club Car	Green Golf Cart	n/a
Ford	4400 Tractor	1901 H
Rogers	Aero Blade	n/a
Ford	230A	5405 H
Jacobsen	LF 3400	n/a
Cushman	Work Cart	5717 H
Ford	F550 Dump Truck	20430 M
Chevy	1996 3500 Dump Truck	208124 M
Dodge	Ram 2500	?
Smithco	200 Gallon Spray Tank	n/a
Toro	Greensmaster	4797 H
John Deere	3215 A Mower	2103 H

Jacobsen	LF100	6362 H
Jacobsen	Greens King IV	4046 H
Toro	Grounds Pro 2000	n/a
Jacobsen	Tri-King 1800 G	2397 H
Jacobsen	Walking Mower	n/a
Toro	Reelmaster 3100D	3461 H
Ford	1972 Ford 5000 Tractor	7479 H
Alamo	2006 Grass King Boom Mower	n/a

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

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**RESOLUTION NO. 370**

**PERMISSION GRANTED/HIGHWAY  
 STEPHEN MUNNO /APWA 2016  
 INTERNATIONAL PUBLIC WORKS  
 CONGRESS AND EXPOSITION**

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

RESOLVED, that permission is hereby granted for Stephen Munno, Sr. Administrative Assistant and 2016 President of the New York Metro Chapter of the American Public Works Association, to attend the "APWA 2016 International Public Works Congress and Exposition" in Minneapolis, MN from August 28-31,2016, at no cost to the Town.

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

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**RESOLUTION NO. 371**

**AWARD BID/ONE (1) NEW HEAVY  
 DUTY TRUCK W/ACCESSORIES  
 GABRIELLI TRUCK SALES**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for one new heavy-duty truck with accessories, which were received and publicly opened on April 21, 2016; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 7-B-16, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to GABRIELLI TRUCK SALES, LTD., Jamaica, New York, in the amount of \$306,471, the lowest qualified bidder, to be charged to Account No. H.5130.200.90.

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

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**RESOLUTION NO. 372**

**AWARD BID/ ONE (1) NEW STREET  
SWEEPER/TRIUS, INC**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for one new street sweeper, which were received and publicly opened on April 21, 2016; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 7-C-16, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby be awarded to TRIUS, INC., Bohemia, New York, in the amount of \$227,837, the lowest qualified bidder, to be charged to Account No. H.5130.200.90.

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

Noes: None

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**RESOLUTION NO. 373**

**AWARD BID/TWO (2) NEW SIDEWALK  
SNOW PLOWS/TRIUS, INC.**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for two new sidewalk snowplows, which were received and publicly opened on April 21, 2016; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 7-D-16, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to TRIUS, INC., Bohemia, New York, in the amount of \$270,194, the most qualified bidder by best value evaluation, to be charged to Account No. 5130.200.90.

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

Noes: None

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**RESOLUTION NO. 374**

**APPROVE/ CERTIFICATE OF  
REGISTRATION/SEWER WORK 2016**

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

RESOLVED, that upon the recommendation of the Town Attorney and the Commissioner of the Department of Environmental Management and Engineering, a Certificate of Registration for 2016 Sewer Work is approved to:

Ross Brothers, Inc., 219 Railroad Avenue, Northvale, NJ 07647  
Keystone Landscaping, 35 West Washington Avenue, Pearl River, NY 10965

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

Noes: None

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**RESOLUTION NO. 375**

**ESTABLISH POSITION/ CLERK  
(SEASONAL)/REPLACING CLERK (PT)  
PARKS AND RECREATION**

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

**RESOLUTION NO. 375 - Continued**

RESOLVED, that upon the recommendation of Rockland County Personnel and the Human Resources Coordinator, establish the position of Clerk (Seasonal) in Parks & Recreation. (This position replaces the Clerk Part-Time position).

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

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**RESOLUTION NO. 376**

**APPOINT CLERK (SEASONAL)  
LESLIE DORAN/ PARKS AND  
RECREATION**

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

RESOLVED, that upon the approval of the Town Board, Leslie Doran is hereby appointed to the position of Clerk (Seasonal) in Parks & Recreation, effective immediately, no change in salary.

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

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**RESOLUTION NO. 377**

**APPOINT /COURT CLERK/ LISA  
HASTINGS /JUSTICE DEPARTMENT**

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

RESOLVED, that upon the recommendation of the Town Justices, appoint Lisa Hastings to the position of Court Clerk at a salary of \$85,000.00, effective July 20, 2016.

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

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**RESOLUTION NO. 378**

**AMEND RESOLUTION 384/2015  
ESTABLISHING POSITION OF  
DEPUTY TOWN CLERK**

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

WHEREAS, by Resolution 384 of 2015, the Town Board established the position of Deputy Town Clerk, a title requested to be in the Exempt Class of the N.Y. S. Civil Service; and,

WHEREAS, the resolution that established the position failed to expressly articulate that the Deputy Town Clerk was authorized to act for and in place of the Town Clerk when the Clerk was absent or unavailable;

NOW, THEREFORE BE IT RESOLVED, that Resolution 384 or 2015 is hereby amended to expressly provide that the Deputy Town Clerk is, and shall be, authorized to act for and in place of the Town Clerk when the latter shall be absent or otherwise unavailable and unable to act.

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



**RESOLUTION NO. 379**

**AUTHORIZE /CONTRACT  
COVENTRY HEALTHCARE**

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

RESOLVED, that the Town Board hereby approves a one-year contract with Coventry Health Care Workers Compensation, Inc. to provide the Town with managed care services for Workers Compensation cases, and authorizes the Supervisor, or his designated representative, to sign the said contract. Fees are as described in Appendix I (Schedule of Fees).

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

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**RESOLUTION NO. 380**

**AUTHORIZE /CSEA EMPLOYEE  
BENEFIT FUND/RETIREE VISION**

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

RESOLVED, that the Town Board approves a Memorandum of Agreement with the CSEA Employee Benefit Fund for the purpose of providing retirees with vision coverage at the retired employees' own expense, and authorizes the Supervisor, or his designated representative, to sign such documents and other agreements as may be required to effectuate this resolution.

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

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**RESOLUTION NO. 381**

**APPOINT/ DEME SECRETARIAL  
ASSISTANT II/PERMANENT  
ELLEN FORDHAM**

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

RESOLVED, that upon the recommendation of Rockland County Personnel and the Human Resources Coordinator, appoint Ellen Fordham to the position of Secretarial Assistant II, permanent, from list #16026 (PROM), effective July 20, 2016, no change in salary, in the Department of Environmental Management and Engineering.

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

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**RESOLUTION NO. 382**

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

Supervisor Stewart 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:

1. Workshop Meeting minutes, 6/7/16 and Regular Town Board Meeting minutes, 6/14/16.
2. Sparkill-Palisades Fire District and Nyack Joint Fire District Financial Audit Report, December 31, 2015.

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

**RESOLUTION NO. 383**

**PAY VOUCHERS**

Councilman Diviny offered the following resolution, which was seconded by Supervisor Stewart 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 \$2,122,067.94.

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

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**RESOLUTION NO. 384**

**ENTER EXECUTIVE SESSION  
PERSONNEL MATTERS/BUILDING**

In attendance, at this Executive Session, were Supervisor Stewart, Councilpersons Troy, Diviny, Valentine, Bottari, Charlotte Madigan, John Edwards, Teresa Kenny, Jeff Bencik and John Giardiello.

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

RESOLVED, at 9:42 p.m. the Town Board entered Executive Session to discuss a personnel matters in the Building Department. Supervisor Stewart said no further votes will be taken.

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

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**RESOLUTION NO. 385**

**RE-ENTERED RTBM/ADJOURNED  
MEMORY**

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

RESOLVED, at 9:52 pm, the Town Board reentered the Regular Town Board Meeting and adjourned in memory of John (Jack) Daly, Pearl River; Nora "Marie" Galli, retired employee of Orangetown; Brendan J. Malley, Pearl River; Angela D. Mattei, Pearl River; Grace Buhl Meyer, Piermont; Mary Holt Moore, Pearl River; Josephine Sheridan, formerly of Pearl River; Ann F. Wright, Pearl River; Cathy Peterson, Sparkill; Dallas Police Officers Lorne Ahrens, Michael Krol, Michael J. Smith, Brent Thompson, & Patrick Zamarripa; Baton Rouge Police Officers Montrell Jackson, Matthew Gerald, & Brad Garafola; and Kansas City Police Captain Robert (Dave) Melton.

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

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**Charlotte Madigan, Town Clerk**