

**TOWN OF ORANGETOWN
WORKSHOP
TUESDAY, SEPTEMBER 26, 2017**

This Workshop Meeting was opened at 8:00 p.m. Supervisor Stewart presided and Charlotte Madigan, Town Clerk, called the roll.

Present were: Councilman Denis Troy
Councilman Thomas Diviny
Councilman Gerald Bottari
Councilman Paul Valentine
Supervisor Andrew Stewart

Also present: Charlotte Madigan, Town Clerk
John Edwards, Town Attorney
Teresa Kenny, Deputy Town Attorney
Jeff Bencik, Finance Director
Joseph Moran, Commissioner of DEME
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.

Pledge of Allegiance to the Flag of the United States of America: Town Board

The Blauvelt Volunteer Fire Company presented their 2018 - 2019 Budget.

Brian Quinn, Attorney, Jay Greenwell, Land Surveyor, and Bob Hoene, Architect, presented a senior housing proposal to add a second and third floor to the existing building located at 21 N. William St., Pearl River (68.17-6-67). Also, he along with Frank Paine, OMM Soccer, spoke about OMM's interest in purchasing and developing land on the RPC site and submitted their letter of intent (Exhibit 09-A-17).

Supervisor Stewart presented the 2018 Tentative Budget. This budget has a 2.9% increase from last year and it is under the NYS tax cap (3.4%). He spoke about some of the in-progress projects that will end up with savings (purchase of street lights, sale of property for a data center and non-resident field use fees).

RESOLUTION NO. 491

**AID/FRANKLIN AVE SCHOOL
PICNIC**

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

RESOLVED, that the Town Board approves the request by Franklin Avenue School for the Police Department to provide lights for their school picnic on September 27, 2017, 5:30pm-7:30pm.

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

Noes: None

RESOLUTION NO. 492

**RETAIN SPECIAL COUNSEL
FEERICK LYNCH MACCARTNEY &
NUGENT/ PUBLIC HEALTH SAFETY
WELFARE LAWS RULES
REGULATIONS**

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

RESOLUTION NO. 492 - Continued

WHEREAS, the Town of Orangetown, New York (“Town”) from time to time reviews its laws, rules and regulations to be certain the same are consistent with all current lawful practices as well as best practices to protect the health, safety and welfare of Town residents; and

WHEREAS, the Town requires Special Counsel for the limited purpose of reviewing and recommending future changes to the Town of Orangetown Zoning Code (“Code”) regarding provisions concerning public health, safety and welfare issues;

WHEREAS, Special Counsel well versed in municipal matters has been identified in the Firm of Feerick Lynch MacCartney & Nugent, Esqs., who undertake representation of municipalities in the greater Hudson Valley area; and

NOW, THEREFORE, it is resolved as follows:

Section 1. All “WHEREAS” paragraphs are incorporated herein by reference as though set forth in full herein.

Section 2. The Town hereby retains the Law Firm of Feerick Lynch MacCartney & Nugent, Esqs. For the limited purpose of reviewing and recommending future changes to the Code regarding provisions concerning public health, safety and welfare issues. The retention of Special Counsel to this limited area of reviewing and recommending future changes to the Town’s Code as aforementioned shall not include, and shall expressly exclude, any legal advice or services on any issues in any pending litigation involving the Town. This retention shall employ Special Counsel at the hourly rate of \$250 with all legal fees, costs and disbursements not to exceed \$30,000 for the scope of the aforementioned legal services. This Resolution shall take effect immediately.

Section 3. This Resolution shall be effective immediately upon Special Counsel acknowledging in writing the terms and conditions of this employment.

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

RESOLUTION NO. 493

**CONFIRM ADOPTED RESOLUTION
NO. 51 OF 2017 / CONVEYANCE OF
THE TOWN’S INTEREST / THE
PEARL RIVER CEMETERY/ SUBJECT
TO PERMISSIVE REFERENDUM**

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

WHEREAS, by Resolution No. 51 of 2017, the Town Board, pursuant to N.Y.S. Town Law §§ 291 and 292, authorized, subject to permissive referendum, the conveyance of the Town’s interest, if any, in the Pearl River Cemetery, a 2.1202 acre plot of land located between South John Street and Franklin Avenue in the Hamlet of Pearl River, and bearing Tax Map designation 68.20-2-68 on the Tax Map of the Town of Orangetown (the “Cemetery”), to the Pearl River Cemetery Corp., a to be formed not-for-profit corporation authorized by Article 15 of the N.Y.S. Not-for-Profit Corporation Law to accept such a conveyance, subject to adequate evidence of the formation of the said corporation and other filings, if and as may be required by the N.Y.S. Department of State, Division of Cemeteries; and

WHEREAS, following the adoption of Resolution 51 of 2017, the Town caused to be published in the Official newspaper of the Town, notice of the adoption of said Resolution, subject to permissive referendum; and

WHEREAS, following notice duly published in accordance with law, the Legislature of the County of Rockland, by Resolution No. 417 of 2017, too approved the conveyance of the

RESOLUTION NO. 493 - Continued

Town's interest in the said cemetery lands, subject to the same conditions as imposed by the Town; and

WHEREAS, more than 30 days have passed since the adoption of Resolution No. 51 of 2017, and the publication of notice of same, and no party has filed a petition requesting or demanding that a referendum on the conveyance be conducted,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby determines Resolution No. 51 of 2017 to be effective, and authorizes the Supervisor, or his designated representative, to execute a Quitclaim Deed, and such other documents as may be necessary to effectuate the conveyance of the Town's interest in the premises, to the Pearl River Cemetery Corp. upon satisfaction of the conditions set forth in said resolution.

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

Noes: None

RESOLUTION NO. 494

ADJOURNED

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

RESOLVED, at 9:36 p.m., the Town Board adjourned this meeting.

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

Noes: None

Charlotte Madigan, Town Clerk