

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, DECEMBER 8, 2015**

This Regular Town Board Meeting was opened at 7:30 p.m. Supervisor Stewart presided and the Deputy Town Clerk, called the roll. Present were:

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

Also present: Charlotte Madigan, Town Clerk  
Teresa Accetta-Pugh, Deputy Clerk  
John Edwards, Town Attorney  
Teresa Kenny, Deputy Town Attorney  
Robert Magrino, Deputy Town Attorney  
Jeff Bencik, Finance Director  
James Dean, Superintendent of Highways  
Joseph Moran, Commissioner of DEME  
Brian Kenney, Assessor  
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 Esta Baitler.

Summary of Public Comments (RTBM):

Dr. Kathleen Kelley, Pearl River, understands that Town meetings are a place where community members and elected officials can have a forum to share their ideas, express concerns and to be educated on issues that affect our community. She believes that meetings should be a welcoming environment where community members feel comfortable that concerns will be shared, voices heard and action taken on these concerns, if feasible. In order for this relationship to be beneficial, mutual respect for each party must exist. Unfortunately, Town meetings have become a common place for negativity, anger and slanderous comments. It is the Supervisor's job to ensure that meetings are run with proper decorum.

Nick Frustaci, Sparkill, said he was the one that enacted no golf fees for Veterans on Veterans' Day, many years ago. He wants to see, in black and white, how much Broadacres golf course made and loss. He wants to know, how the Town is saving money, when all of the Blue Hill golf course employees are being transferred to other departments.

Mike Mandel, Pearl River, asked for an explanation of the PILOT agreement with Pearl River Campus LLC. He asked when the proposed local laws for Prohibited Uses and the Toscany & Cuomo zone change will be available for review.

Esta Baitler, Sparkill, wants a bus shelter and street lights, along Route 340, and a para-transit bus service. She requested a fire inspector to inspect the fire alarms at the Kathy Luken Living Center. Eileen Larkin, Palisades, supports Miss Baitler's requests. She said, O & R rates are a disgrace and are in direct conflict in what people pay in New Jersey. She suggested the Town Board call a meeting with FIOS and Cablevision to meet with community members to talk about changing their programs and decreasing their rates.

Amy Wertheim, Pearl River, again asked Councilman Valentine to ask the President of RBA to remove the hateful letter regarding Anellotech, from their website. She believes she was personally attacked by Councilman Valentine and that it is improper for an elected official to do so. She does not appreciate the attempts to defame her, by making absolutely outrageous and false statements about her. She attends the Board meetings to discuss community matters and to address the council with her concerns.

Heather Hurley, Pearl River, is thankful that the Planning Board meeting (12/9/15) regarding the Hillside project has been moved to Town Hall. She asked Councilman Valentine: how is it that no company has been selected to monitor Anellotech, when a drafted plan has already been submitted by Trinity Consultants; how do you know there will be 24-hour monitoring, when the first draft of Trinity's plan did not include 24-hour stack testing; how do you know there will be 24-hour monitoring, when you stated we do not have a plan yet. The public deserves to have factual information. She asked for clarification of the language in Section II of the proposed Prohibited Uses amendment to the Town Code.

**RESOLUTION NO. 516**

**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  
Noes: None  
Absent: Councilman Morr

\*\*\*

**RESOLUTION NO. 517**

**SET DATE/STBM/PERSONNEL/BLUE HILL GOLF COURSE**

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

RESOLVED, the Town Board will meet to vote on personnel matters related to the contract for Blue Hill golf course operation in public session on Thursday, December 17, 2015, at 1:00 P.M.

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

\*\*\*

**RESOLUTION NO. 518**

**OPEN PH/AMEND TOWN CODE CHAPTER 39/PARKING RESTRICTIONS KLEE LN/ BLAUEVELT**

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

RESOLVED, that the 8:00 p.m. public hearing to amend the Town Code, Chapter 39, section 39-6.E(5), Parking Restrictions is hereby opened.

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

The Affidavit of Publication and Notice of Posting were presented (Exhibit 12-A-15).

Guy DeVincenzo, Traffic Advisory Board (TAB) Chairman, said the TAB was charged with looking at the initial complaint of blockage of driveways. The TAB reviewed the law with the Town Attorney, the Police and the Highway Departments. All three departments contributed to the TAB decision. The proposed local law will allow parking on both sides of Klee Lane and not allow parking for 35 feet from the four corners (Klee Ln & Western Hwy). The residents will have the option to have painted lines indicating their driveways and signs will be erected, a few feet, from all driveways. Representatives, from the fire department and Highway Department consented that emergency vehicles will be able to get thru, even with parking on both sides.

Summary of Public Comments:

Leonard Feroldi, representing St. Catharine's, said there has never been a problem with parking on the side streets, for 53 years. He does not understand the complaint at this time. The church only uses 16 hours of the 168 hours for parking. He hopes the Town Board will remove the parking restriction on Klee Lane.

Teresa Damico, Blauvelt, said she has trouble backing out of her driveway when there are cars parked on both sides of Klee Lane. The people of Klee Lane want parking only on one side, no blocking of driveways and the "No Parking" signs to stay. There are only 6 houses on this street.

Victor Damico, Blauvelt, said the law went into effect over 50 years ago and recently the signs were erected. The signs improved their quality of life

John Lounibos, Blauvelt, explained that during masses and funerals at St. Catharine’s, their parking lot is sometimes full and it is necessary to park on the side streets. He requested that parking be restored to the South side of Klee Lane, for public use.

Eileen Ryder, Blauvelt, is in favor of parking on both sides of Klee Lane. Her driveway has never been blocked and she has never had any difficulty with backing out of it.

Watson Morgan, Blauvelt, said the existing Town Code says you cannot park, within 35 feet from an intersection. He is in favor of parking on both sides of Klee Lane.

**RESOLUTION NO. 519**

**CLOSE PH/AMEND TOWN CODE  
CHAPTER 39/PARKING RESTRICTIONS  
KLEE LANE/BLAUVELT**

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

RESOLVED, that the public portion is hereby closed.

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

\*\*\*

**RESOLUTION NO. 520**

**LEAD AGENCY/AMEND TOWN CODE  
CHAPTER 39/PARKING RESTRICTIONS  
KLEE LANE/BLAUVELT**

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

RESOLVED, that the Town Board declares itself Lead Agency in this matter.

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

\*\*\*

**RESOLUTION NO. 521**

**SEQRA DECLARATION/AMEND TOWN  
CODE/CHAPTER 39/PARKING  
RESTRICTIONS/KLEE LN/BLAUVELT**

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

RESOLVED, that a SEQRA Declaration of non-significance, indicating that the action the Town Board is contemplating will not have a significant negative impact on the environment, is hereby adopted (Exhibit 12-B-15).

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

\*\*\*

**RESOLUTION NO. 522**

**ADOPT/LOCAL LAW No. 5, 2015  
AMEND TOWN CODE/CHAPTER 39  
PARKING RESTRICTIONS/KLEE LN**

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

**RESOLUTION NO. 522 - Continued**

WHEREAS, the Traffic Advisory Board having held several public hearings on the whether to allow or prohibit parking on Klee Lane in the Hamlet of Blauvelt, after having invited residents and other concerned parties to participate, proposes and recommends the Town Board pass this proposed local law amending the Town Code;

WHEREAS, this proposed local law has been coordinated with the Highway Department, Police Department, and Department of Environmental Management and Engineering;

WHEREAS, the Highway Department, Police Department, and Department of Environmental Management and Engineering recommend that the Town Board pass this proposed local law amending the Town Code;

RESOLVED, that the Town Board hereby adopts proposed Local Law No. 5, 2015, amending Town Code, Chapter 39, section 39-6.E(5).

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

\*\*\*

**TOWN OF ORANGETOWN  
LOCAL LAW NO. 5, 2015**

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

NORMAL = EXISTING LANGUAGE THAT WILL REMAIN  
**BOLD TYPE** = PROPOSED ADDITIONS  
~~STRIKED OUTS~~ = PROPOSED DELETIONS

Section 1. Title.

A Local Law amending Chapter 39 (Vehicles and Traffic), Article I (Vehicle and Traffic Regulations) of the Code of the Town of Orangetown.

Section 2. Amend § 39-6.C.5, by deleting the stricken language and substituting the language in bold:

39-6. Prohibition of parking on designated highways.

The parking or standing of vehicles in any of the following locations is hereby prohibited:

....

E. In the Hamlet of Blauvelt:

....

~~(5) On the south side of Klee Lane, between Western Highway and East Road.~~

**(5) On the north and south sides of Klee Lane, between the intersection of Klee Lane and Western Highway and a point 35 feet west of said intersection, and between the intersection of Klee Lane and East Road and a point 35 feet east of said intersection.**

Section 3. Effective date.

The provisions of this local law shall take effect immediately upon filing with the Secretary of State.

**RESOLUTION NO. 523**

**AUTHORIZE APPRAISAL CONTRACT  
VALUATION PLUS, INC/ORANGEBURG  
RD/OLD ORANGEBURG RD/CHIEF BILL  
HARRIS WAY**

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

RESOLVED, the Town Board hereby authorizes the Supervisor to execute an agreement with Valuation Plus for appraisal of the land bounded by Orangeburg Rd, Old Orangeburg Rd and Chief Bill Harris Way, at a cost of \$4500.00.

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

\*\*\*

**RESOLUTION NO. 524**

**AUTHORIZE/ CONTRACT/2016-2017  
BLAUVELT FREE LIBRARY**

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

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a one (1) year contract, on behalf of the Town, as proposed and written, for SEVEN HUNDRED SIX THOUSAND TWO HUNDRED SIXTY-SEVEN AND 00/100 (\$706,267.00) DOLLARS, with the Blauvelt Free Library to provide library services to residents of Blauvelt, as well as to the residents of the Sparkill area delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012, within the Town.

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

\*\*\*

**RESOLUTION NO. 525**

**COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items 9 thru 11 are hereby combined.

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

\*\*\*

**RESOLUTION NO. 526**

**AUTHORIZE/ CONTRACT/2016-2017  
ORANGEBURG LIBRARY**

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

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a one (1) year contract, on behalf of the Town, as proposed and written, for FOUR HUNDRED NINETY SEVEN THOUSAND EIGHT HUNDRED EIGHTY AND 00/100 (497,880.00) DOLLARS, with the Orangeburg Library to provide library services to residents of Orangeburg, as well as to the residents of the Sparkill area delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012, within the Town.

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

**RESOLUTION NO. 527**

**AUTHORIZE/ CONTRACT/2016-2017  
PALISADES FREE LIBRARY**

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

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a one (1) year contract, on behalf of the Town, as proposed and written, for THREE HUNDRED SEVENTY FOUR THOUSAND TWO HUNDRED EIGHTY-TWO AND 00/100 (\$374,282.00) DOLLARS, with the Palisades Free Library to provide library services to residents of Palisades, as well as to the residents of the Sparkill area delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012, within the Town.

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

\*\*\*

**RESOLUTION NO. 528**

**AUTHORIZE/ CONTRACT/2016-2017  
TAPPAN FREE LIBRARY**

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

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a one (1) year contract, on behalf of the Town, as proposed and written, for SIX HUNDRED EIGHTY EIGHT THOUSAND FIVE HUNDRED SIXTY-NINE AND 00/100 (\$688,569.00) DOLLARS, with the Tappan Free Library to provide library services to residents of Tappan, as well as to the residents of the Sparkill area delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012, within the Town.

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

\*\*\*

**RESOLUTION NO. 529**

**APPROVE/SYLVIA WELCH/GRANT  
WRITER/NEW NY BRIDGE  
WATERFRONT REVITALIZATION  
GRANT**

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

WHEREAS, flooding of the Sparkill Creek on Oak Tree Rd in the vicinity of Rockland Park Ave threatens traffic safety, public infrastructure and private property as well as access to the town's rail trail, and can be reduced by lowering the grade of the town's rail trail where it passes under the Palisades Interstate Parkway, as documented in a recent study by McLaren Engineering,

WHEREAS, these improvements to the watershed and pedestrian facilities fall within the funding guidelines of the New NY Bridge Waterfront Revitalization Projects grant Request for Applications,

RESOLVED, the town board authorizes the Supervisor to pay grant writer Sylvia Welch up to \$660 for submitting a grant on behalf of Orangetown for the design and construction of this flood reduction, pedestrian safety and recreational enhancement project.

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

**RESOLUTION NO. 530**

**APPROVE/ SYLVIA WELCH/GRANT WRITER/HUDSON RIVER ESTUARY GRANT PROGRAM**

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

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

WHEREAS, the town needs an engineering design of improved drainage in this area in order to effectively seek funding for needed improvements, and such work falls within the parameters of Hudson River Estuary grant for "Local Stewardship Planning," and costs an estimated \$40,000.00.

RESOLVED, the town board authorizes the Supervisor to pay grant writer Sylvia Welch up to \$825 for submitting a grant on behalf of Orangetown for the design of drainage improvements to the area of Rte 303 by Mountainview Ave, with the understanding that should the grant request be successful, the town would be obligated to pay 15% of the cost of the engineering study.

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

\*\*\*

**RESOLUTION NO. 531**

**APPROVE APPLICATION OF FUNDS NEW NY BRIDGE WATERFRONT REVITALIZATION 2015 PROGRAM**

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

WHEREAS, the Town of Orangetown Rail Trail is a much-used recreational facility and connector to the Hudson River villages within the Town of Orangetown-Piermont, Grandview, South Nyack and Nyack- and is a significant recreational and scenic resource,

WHEREAS, flooding of the Sparkill Creek on Oak Tree Rd in the vicinity of Rockland Park Ave threatens traffic safety, public infrastructure and private property as well as access to the Town's Rail Trail, and can be reduced by lowering the grade of the Town's Rail Trail where it passes under the Palisades Interstate Parkway, as documented in a recent study by McLaren Engineering,

WHEREAS, the section of Oak Tree Rd between the Rail Trail parking lot and Rte. 303 lacks any sidewalks and is a high priority for sidewalk construction because of the presence of Rte. 303, residential and commercial properties, the Rail Trail parking area, and existing sidewalks heading east toward Rte. 340,

WHEREAS, these improvements to the watershed and pedestrian facilities fall within the funding guidelines of the New NY Bridge Waterfront Revitalization Projects grant Request for Applications,

RESOLVED, that Andrew Stewart, as Supervisor of the Town of Orangetown, is hereby authorized and directed file an application for funds to the New NY Bridge Waterfront Revitalization 2015 Program, and upon approval of said request to enter into and execute a project agreement with the New NY Bridge Waterfront Revitalization 2015 Program for such financial assistance to the Town of Orangetown for Accessibility Enhancements and Storm Water Management Improvements to the Rail Trail at Oak Tree Road and Rockland Park Avenue. The Town of Orangetown will commit any matching funds required to implement the project, and will authorize these funds by separate resolutions.

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

**RESOLUTION NO. 532**

**APPROVE APPLICATION FOR FUNDS  
NYSDEC/HUDSON RIVER ESTUARY  
GRANT PROGRAM**

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

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

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 NYS Rte 303 is an undersized and deteriorating culvert located at 400 Rte 303,

WHEREAS, the town needs an engineering design of improved drainage in this area in order to effectively seek funding for needed improvements, and such work falls within the parameters of Hudson River Estuary grant for “Local Stewardship Planning,” and costs an estimated \$40,000.00.

RESOLVED, that Andrew Stewart, as Supervisor of the Town of Orangetown, is hereby authorized and directed file an application for funds to the New York State Department of Environmental Conservation Hudson River Estuary Grants Program, and upon approval of said request to enter into and execute a project agreement with the New York State for such financial assistance to the Town of Orangetown not to exceed \$40,000 for a planning grant for right-sizing of the Rte 303 culvert so as to mitigate impairment to the Sparkill Creek. This Resolution confirms the Town’s commitment to the 15% matching fund for the project.

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

\*\*\*

**RESOLUTION NO. 533**

**APPROVE/TOWN BOARD/ 2016  
CALENDAR**

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

RESOLVED, that the following 2016 Town Board Calendar is hereby approved:

|          |                                    |
|----------|------------------------------------|
| 01/05/16 | Re-Organizational Meeting/Audit    |
| 01/12/16 | RTBM/Audit                         |
| 01/19/16 | Workshop                           |
| 01/26/16 | RTBM/Audit                         |
| 02/02/16 | Police Commission/Finance/Workshop |
| 02/09/16 | RTBM/Audit                         |
| 02/23/16 | Workshop                           |
| 03/01/16 | RTBM/Audit                         |
| 03/08/16 | Police Commission/Finance/Workshop |
| 03/15/16 | RTBM/Audit                         |
| 04/05/16 | Police Commission/Finance/Workshop |
| 04/12/16 | RTBM/Audit                         |
| 04/26/16 | Workshop                           |
| 05/03/16 | RTBM/Audit                         |
| 05/17/16 | Police Commission/Finance/Workshop |
| 05/24/16 | RTBM/Audit                         |
| 06/07/16 | Police Commission/Finance/Workshop |
| 06/14/16 | RTBM/Audit                         |
| 07/12/16 | Police Commission/Finance/Workshop |
| 07/19/16 | RTBM/Audit                         |

**RESOLUTION NO. 533 - Continued**

|          |                                    |
|----------|------------------------------------|
| 08/09/16 | Police Commission/Finance/Workshop |
| 08/16/16 | RTBM/Audit                         |
| 09/06/16 | Police Commission/Finance/Workshop |
| 09/13/16 | RTBM/Audit                         |
| 09/20/16 | Workshop                           |
| 09/27/16 | RTBM/Audit                         |
| 10/04/16 | Police Commission/Finance/Workshop |
| 10/18/16 | RTBM/Audit                         |
| 10/25/16 | Workshop                           |
| 11/01/16 | RTBM/Audit                         |
| 11/15/16 | Police Commission/Finance/Workshop |
| 11/29/16 | RTBM/Audit                         |
| 12/06/16 | Police Commission/Finance/Workshop |
| 12/13/16 | RTBM/Audit                         |

Police Commission/Finance Meetings will be shared starting at 7:00 p.m. followed by the Workshop; Town Board Workshop Meetings will start at 8:00 pm and Regular Town Board/Audit Meetings will begin at 7:30 pm. All meetings are on Tuesdays, except where indicated.

Ayes: Councilperson Troy, Supervisor Stewart  
Councilpersons Diviny, Valentine

Noes: None

Absent: Councilman Morr

\*\*\*

**RESOLUTION NO. 534**

**APPROVE STREET NAMING  
PRIVATE ROAD/PFIZER WAY  
PEARL RIVER**

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

WHEREAS, Pfizer, Inc. has a research site and a central hub for vaccine and bio-therapeutics research located at 401 North Middletown Road in Pearl River, New York; and identified on the Tax Map of the Town of Orangetown as Section 68.08 Block 1, Lots 1A.

WHEREAS, there is a private roadway on the Pfizer Inc. site as shown on the Pfizer, Inc. R&D Subdivision plan drawing, sealed by Edward T. Gannon, Licensed Land Surveyor (New York State License No. 049907), last revised June 18, 2015, and recorded on July 31, 2015 in the Office of the Rockland County Clerk as Map Nos. 8282 through 8289 and consisting of eight (8) pages; and as determined by the Town of Orangetown Planning Board Decision PB#14-29; and

WHEREAS Rockland County 911 Emergency Services requires that such roads with addressable structures be formally named, and the United States Postal Service requires numbered and named street addresses for mail delivery; and

WHEREAS the naming of a certain private road on the site of the Pfizer Inc. campus will assist Emergency – 911 personnel in the event of a response to an emergency situation at the site; and will aid the United States Postal Service in delivery of mail thereupon; and

WHEREAS, Pfizer, Inc. intends to designate a private road name within their grounds in order to assist first responders during their response to an emergency on the grounds of Pfizer, Inc.; and

WHEREAS, Pfizer, Inc. has requested that said private road, as shown on the Pfizer, Inc. R & D Subdivision Map referenced above, be named "Pfizer Way"; and

WHEREAS, Pfizer, Inc. expressly acknowledges that the private road is not owned nor maintained by the Town of Orangetown; and

**RESOLUTION NO. 534 - Continued**

WHEREAS, Pfizer, Inc. acknowledges that the Town of Orangetown has standardized requirements for street signs, and

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Orangetown hereby authorizes and directs that the private road located on Town of Orangetown Tax Lot Section 68.08 Block 1, Lot 1A shall be forever named and known as "Pfizer Way" and all future maps depicting said area indicate the naming of this private road as "Pfizer Way"; and authorizes and directs that any such street sign posted shall follow the Town of Orangetown Highway Department "Requirements for Street Sign Specifications".

Ayes: Councilperson Troy, Supervisor Stewart  
Councilpersons Diviny, Valentine

Noes: None

Absent: Councilman Morr

\*\*\*

Brian Kenney, Assessor, explained that "this is not unlike your typical PILOT. We have a few in the Town. We have had them where the property owner wants to go through the IDA and they want to get tax benefits, besides property tax benefits. So, they get mortgage tax incentives, equipment incentives and things like that. When that happens and they apply and get approved by the IDA, they have the right to negotiate a property tax abatement or payment. Sometimes, there is no abatement at all. When you go through the IDA the property becomes an exempt property and exempt properties do not pay taxes. In an IDA agreement, of course, we want everybody to pay taxes and so we have to come up with our own schedule of taxes and we did. We met with IRG on several occasions. I know the Board was there with Nanuet. I was instructed to come-up with some kind of plan, which I did in collaboration with Mario Spagnuolo of Nanuet, Bill Beckmann, who was hired by them, as their consultant and we came-up with a tax schedule, which is in the agreement, which you can see. There are other facets to it, but in a sense they have agreed to pay a certain amount of money, per a year, as a minimum, no matter what happens to the property. These are base payments and the hope is that as time goes on IRG, the money making entity, will want to build something, lease something, subdivide or sell something. We do not know what they are going to do and I am not sure if they know exactly, at this point. Hopefully, the property is going to be improved and the tax payment of that agreement is going to go up. Part of the agreement allows us to increase the tax base, if and when there are improvements made to the property, but in no event shall it be lowered than those payments, even if every building is demolished, it does not matter. We went back and forth, quite a few times and we came-up with that schedule. If you have any questions about that you can ask me. Right now, it is pretty defined. Probably, you want to know how that compares to what we are collecting from Pfizer now. Of course, you know this is going to be subdivided. Pfizer is going to keep approximately 500,000 square feet and some 25-26 acres. IRG will take the remainder two million, or there about, square feet and the remainder of that main property. There are three other small vacant lots included in this, but they do not amount to much of a tax amount to begin with, but that is all included in it. There really is only four parcels, we are talking about. You know, we have had a 5-year agreement with Pfizer, which we have allowed them and we have accepted a certain amount of payment from them. If we have collected more, which we have each year, the rest of it is refunded through the County. So that 5-year agreement is now up, although, we have one more year of a refund to go. The number that we have agreed to accept, in that 5-year agreement for Town purposes, was based on a January 2011 bill. When it first started, that came to roughly \$2.7 million, for the Town. The PILOT, when it takes place next year for IRG, there will essentially be two payments, one from IRG, for the PILOT and then another payment, from Pfizer, which is retaining the rest of the property and not part of the PILOT. In the first year of this agreement, it is estimated that the Town is going to receive, from IRG, about \$1, 750,000, because these tax payments that are in the schedule are portioned off according to a percent, which is also in the schedule. The first year of that schedule is \$9 million total. Our percent of that is going to be \$1,750,000, the County is going to be about \$620 and the remainder goes to the school. A portion of the numbers comes from the relationship of the tax rates to one another. On any given tax bill, we will get roughly 20%, the school gets 70% and the County gets 6%. I do not have the figures in front of me right now. Those percentages are going to remain the same throughout the life of the 10-year agreement. We are going to collect, hopefully, the \$1,750,000 on the IRG PILOT. Pfizer is going to have an assessment, on the remainder of their property, and they are going to pay taxes

on that. I have not come up with a final number on that but that is going to be taking place for 2016, when the subdivision is put into effect. It is going to, essentially, be on or about the same amount of money. We have agreed to accept, in the 5-year agreement, for the first year. The second year, it is going to go down slightly and the remainder years go down even further, but by then, we are hoping there is going to be added assessments or added improvements to the property, which will off-set some of that stuff. I have given you some numbers, in estimates, and essentially that is what I was asked to do and we came up with that and hopefully, it is better than the alternative. If this was a typical property, in court, you could have a company, like IRG say, we just paid \$40 million, for this property and we want it assessed as such; but to their credit, they realized we have a tremendous burden on our hands. When municipalities are used to getting so many thousands or millions of dollars, in tax payments, and all of a sudden, it is cut out, from under us, that would be a tremendous burden to the taxpayers of the Town. We are trying to ease into this and hopefully, we won't have to undergo too much of a reduction, as the years go by, because this company wants to make money and they want to improve the property. We think it is probably the best alternative that could have happened, in this kind of an instance. Legally, they can file all the Tax Certs they want, but they still have to agree to this PILOT agreement. The amounts, I just talked about, do not include Special District charges. Those are above and beyond PILOT amounts. I have asked the Sewer Department, Rockland County Solid Waste and IRG to please review the number of units that are on these properties and Pfizer should do that, as well, and get together with IRG to find out what unit charges should be assigned to each of these buildings under whose ownership. Right now, the total Special District charges on the entire property is about \$90,000 per a year. Obviously, that is going to be portioned off but things change over there so I think it is time, for at least our departments, to review those units, but the request has to come from the property owners. I have mentioned that in memos to them and that should happen for next year."

**RESOLUTION NO. 535**

**APPROVE PILOT AGREEMENT PEARL RIVER CAMPUS LLC/PFIZER CAMPUS/PEARL RIVER (68.08-1-1, 63.20-1-2 & 3 and 68.12-1-2)**

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

RESOLVED, that the Town Board hereby approves a certain Payment in Lieu of Taxes Agreement ("PILOT") between the Town, the Nanuet School District, the County of Rockland and the County of Rockland industrial Development Agency and Pearl River Campus, LLC, relating to premises located on and along and adjacent to Middletown Road, Pearl River, bearing Tax Map designations 68.08-1-1, 63.20-1-2 & 3 AND 68.12-1-2, all in accordance with the terms of a certain written Agreement between the parties, expressly incorporated herein, and made a part hereof, by reference. This resolution is expressly conditioned upon the approval of the said Agreement by all other taxing jurisdictions referred to above and the IDA.

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

\*\*\*

**RESOLUTION NO. 536**

**APPROVE/TECTONIC ENGINEERING & SURVEYING CONSULTANTS, P.C. HOMES FOR HEROES SURVEY**

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

RESOLVED, that upon the recommendation of the Commissioner of DEME, the Town of Orangetown hire TECTONIC ENGINEERING & SURVEYING CONSULTANTS, P.C. to

**RESOLUTION NO. 536 - Continued**

perform the survey work required for an acquisition map and legal descriptions to acquire the land for the Homes for Heroes Regional Green Infrastructure Project, at a cost of \$2,500.00.

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

\*\*\*

**RESOLUTION NO. 537**

**COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items 18 and 19 are hereby combined.

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

\*\*\*

**RESOLUTION NO. 538**

**APPROVE/CARETAKER AGREEMENT  
NIKE PARK/ 2% INCREASE**

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

RESOLVED, upon the recommendation of the Superintendent of Parks, Recreation & Building Maint., the caretaker agreement for the property located at 1 Nike Lane, Orangeburg, New York (Nike Park), with a two (2%) percent increase, for a term from January 1, 2016 through December 31, 2016, between the Town and THOMAS IACOBELLIS is hereby approved and the Supervisor is hereby authorized to sign same.

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

\*\*\*

**RESOLUTION NO. 539**

**APPROVE CARETAKER AGREEMENT  
HENRY V. BORST PARK/ 2% INCREASE**

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

RESOLVED, upon the recommendation of the Superintendent of Parks, Recreation & Building Maint., the caretaker agreement for the property located at 212 North Main Street, Pearl River, New York (Henry V. Borst Park), with a two (2%) percent increase, for a term from January 1, 2016 through December 31, 2016, between the Town and ANTHONY LIMANDRI is hereby approved and the Supervisor is hereby authorized to sign same.

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

\*\*\*

**RESOLUTION NO. 540**

**APPROVE/MEMORANDUM OF  
UNDERSTANDING/NY SHARKS/2016  
AQUATIC/POOL USAGE**

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

**RESOLUTION NO. 540 - Continued**

RESOLVED, upon the recommendation of the Superintendent of Parks & Recreation, the Memorandum of Understanding between the Town of Orangetown and New York Sharks Aquatics of Clarkstown for the year 2016 in the amount of SIXTEEN THOUSAND SEVEN HUNDRED SIXTY-SEVEN AND 46/100 (\$16,767.46) DOLLARS, is hereby approved and the Supervisor is hereby authorized to execute such Memorandum of Understanding.

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

\*\*\*

**RESOLUTION NO. 541**

**PERFORMANCE BOND/ACCEPT  
RECEIVE FILE/WALGREENS SITE  
PLAN/ROUTE 303 AND OAK TREE  
RD/TAPPAN (77.15-1-24)**

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

WHEREAS, Landmark, LLC, as developer of certain property located at Route 303 and Oak Tree Road, Tappan, New York, (Tax Lot 77.15 Block 1 Lot 24) applied for and received subdivision and site plan approval from the Town of Orangetown Planning for said property pursuant to Planning Board decisions #2014-24 and #2015-22 for the project known as "Walgreens Site Plan" and

WHEREAS, pursuant to the aforesaid approvals, the Planning Board required that the applicant post a Performance Bond in the amount of \$176,622.00 to ensure the construction and completion of certain public improvements pursuant to the aforesaid approvals, and

WHEREAS, the applicant has submitted a fully executed Performance Bond dated November 19, 2015, issued by NGM Insurance Company as Surety, on behalf of Landmark, LLC, as principal, in the amount of \$176,622.00 naming the Town of Orangetown as beneficiary, to insure the completion of public improvements associated with the "Walgreens Site Plan", which Performance Bond has been approved as to form and substance by the Town Attorney's Office,

NOW THEREFORE BE IT FURTHER RESOLVED THAT, the Town hereby formally accepts, receives and files with the Office of the Town Clerk, a Performance Bond dated November 19, 2015 issued by NGM Insurance Company as Surety, on behalf of Landmark, LLC, as principal, in the amount of \$176,622.00 naming the Town of Orangetown as beneficiary, to insure the completion of public improvements associated with the "Walgreens Site Plan" no later than November 9, 2017 and said bond to be returned only upon satisfactory completion of said public improvements according to the terms of said Bond and Planning Board decisions 2014-24 and 2015-22, any Town departments having jurisdiction thereof, and formal resolution of the Town Board.

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

\*\*\*

**RESOLUTION NO. 542**

**PROHIBITED USES TOWN CODE  
AMENDMENT/INTENTION LEAD  
AGENCY CIRCULATE TO AGENCIES**

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

**RESOLUTION NO. 542 - Continued**

WHEREAS, Chapter 43, § 4.4 identifies various uses and processes that have been determined by the Town to be inconsistent or otherwise not compatible with the general health, safety and welfare of the residents of the Town, particularly given the relatively dense population, and largely residential nature, of the Town; and

WHEREAS, in the light of more recent advances and innovations in technology, the Town Board has determined that it is in the best interests of the Town to make changes to list of prohibited uses, and otherwise to clarify the scope of the intended prohibition; and

WHEREAS, a revised proposed local law has been prepared and delivered to the members of the Town Board which, if adopted, would address various of the concerns that have been raised, relating to industrial type uses not covered, or adequately covered, by existing provisions of the Town Code; 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;

WHEREAS, upon consideration of the proposed action, 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

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 proposed Local Law, amending the Town Zoning Code, 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: Councilpersons Diviny, Valentine, Troy  
Supervisor Stewart

Noes: None

Absent: Councilman Morr

\*\*\*

**RESOLUTION NO. 543**

**SET PUBLIC HEARING/PROPOSED  
LOCAL LAW/ PROHIBITED  
USES/TOWN CODE AMENDMENT**

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

RESOLVED, that the Town Board will hold a public hearing on January 19th, at 8 p.m., on a proposed Local Law, amending Chapter 43, §§ 4.41, 4.42 and 4.45, relating to Prohibited

**RESOLUTION NO. 543 - Continued**

Uses throughout the Town of Orangetown, and the Table of General Use Regulations, 43 Attachment 7, applicable to the LI Zoning District.

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

\*\*\*

**RESOLUTION NO. 544**

**SET PUBLIC HEARING /TOSCANY & CUOMO ZONE CHANGE/ 575 ROUTE 303/BLAUVELT(70.15-1-45 & 70.15-1-46)**

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

RESOLVED, that the Town Board will hold a public hearing on January 26, 2016, at 8 p.m., on a proposed Local Law, amending Chapter 43, § 2.2, establishing the Town Zoning Map, to change the zoning district of two tax parcels, located on and along State Route 303 in the Hamlet of Blauvelt from “R-15” to “CC”.

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

\*\*\*

**RESOLUTION NO. 545**

**LEAD AGENCY/TOSCANY & CUOMO ZONE CHANGE/575 ROUTE 303 BLAUVELT( 70.15-1-45 & 70.15-1-46)**

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

WHEREAS, the Town Board has before it a Petition by Toscani, Inc. and Antonio Cuomo, as Owners of property located on State Route 303, in the vicinity of Erie Street and Greenbush Road, in the hamlet of Blauvelt, for an amendment to Chapter 43, § 2.2, of the Town Code, establishing the Town Zoning Map, changing the zoning classification of the said property, consisting of one tax parcel bearing Tax Map Designation 70.15-1-45, and a portion of an adjacent parcel bearing Tax Map Designation 70.15-1-46 from “R-15 (Medium Density Residence) to “CC” (Retail-Commerce); and

WHEREAS, on or about September 15, 2015, at the direction of the Town Board by resolution duly adopted September 8, 2015, the Town Attorney circulated amongst various potential involved and/or interested agencies notice of its intention to assume Lead Agency status for the purpose of the environmental review of the above referenced action; and

WHEREAS, more than 30 days have passed since the said circulation and no agency has objected to the Town Board assuming the role of Lead Agency,

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to Sections 617.6(b) and (c) of the N.Y.C.R.R., (i) the Town Board hereby assumes the role of Lead Agency in connection with the environmental review of the proposed change of zone; and (ii) declares such action to be an “Unlisted action” under SEQRA for the purpose of such review.

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

**RESOLUTION NO. 546**

**ACCEPTANCE/DEDICATION OF  
PUBLIC ROAD/RAMLAND ROAD  
SOUTH**

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

RESOLVED, that upon recommendation of the Town Attorney’s Office, the Department of Environmental Management and Engineering and the Superintendent of Highways, the Town hereby accepts dedication of “Ramland Road South” as a public road, said road being more fully identified as a portion of tax lot section 73.20, block 1 lot 27 as shown on Filed Map No. 5406 filed in the Rockland County Clerk’s Office on August 13, 1982, by way of deed from Madt, Inc.; and a portion of tax lot section 76.08 block 1 lot 6 as shown on Filed Map No. 7716 (excluding any portion that lies east of Parcel No. 3) filed in the Rockland County Clerk’s Office on December 9, 2004, by way of deed from BNM Properties, LLC; and a portion of tax lot section 77.05, block 1 lot 36 as shown on Map No. 8122 filed in the Rockland County Clerk’s Office on October 27, 2010, by way of deed from 38 Ramland Road, LLC (fka 280-282 Orangeburg Road, LLC). The Town also hereby accepts a Hold Harmless Agreement and 20’ Drainage Easement from BNM Properties, LLC with respect to Ramland Road South, and the Supervisor or his designee shall execute all documents necessary to effectuate acceptance of Ramland Road South as a dedicated public road, the Drainage Easement and the Hold Harmless Agreement. Upon receipt, dedication documents, drainage easement and hold harmless agreement to be filed in the Town Clerk’s Office.

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

\*\*\*

**RESOLUTION NO. 547**

**MILLER MINOR SUBDIVISION  
ACCEPT ROAD WIDENING DEED  
STORM WATER MAINTENANCE  
AGREEMENTS**

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

RESOLVED, that upon recommendation of the Town Attorney’s Office, the Department of Environmental Management and Engineering and the Superintendent of Highways, pursuant to the Miller Minor Subdivision Plan, as approved by the Planning Board in decision 2014-49, the Town hereby accepts from Linda D. Miller, a Road Widening Deed for West Crooked Hill Road and Storm Water Maintenance Agreements for Lots 1 and 2 of the subdivision, and the Supervisor or his designee shall execute all documents necessary to effectuate acceptance of same. Upon receipt, the Road Widening Deed & Storm Water Maintenance Agreements, to be filed in the Town Clerk’s Office.

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

\*\*\*

**RESOLUTION NO. 548**

**APPROVE SETTLEMENT/TAX  
CERTIORARI/HAVEN COURT  
APARTMENTS CO., INC. (66.22-3-43  
& 66.62-1-26)**

Supervisor Stewart 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 Stipulation of Settlement regarding the tax

**RESOLUTION NO. 548 - Continued**

certiorari proceeding *Haven Court Apartments Co., Inc. v. Orangetown, Town of, et al.*, Tax Map designation 66.22-3-43 (1 Haven Court, Nyack) and 66.62-1-26 (257A South Broadway, Nyack) for the tax assessment years 2014 and 2015, for a total refund by the County of \$1,149, a total refund by the Town of \$1,620 and a total refund by the School District of \$13,607. 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: Supervisor Stewart  
Councilpersons Troy, Diviny, Valentine  
Noes: None  
Absent: Councilman Morr

\*\*\*

**RESOLUTION NO. 549**

**AWARD BID/HIGHWAY/INDUSTRIAL  
SERVICE UNIFORMS/AMERICAN WEAR  
UNIFORMS**

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 Industrial Service Uniforms, which were received and publicly opened on November 12, 2015; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 12-C-15, and made a part of these minutes.

NOW THEREFORE BE IT RESOLVED, that this bid is hereby awarded to American Wear Uniforms, East Orange, NJ, the lowest qualified bidder, at a price of \$1.79 per employee, per week for a two (2) year contract period.

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

\*\*\*

**RESOLUTION NO. 550**

**AWARD BID/HIGHWAY/ASPHALT  
RECYCLER/MIXER/GREENWAY  
SALES**

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 a New Asphalt Recycler/Mixer, which were received and publicly opened on November 19, 2015; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 12-D-15, and made a part of these minutes.

NOW, THEREFORE BE IT RESOLVED, this bid is hereby awarded to Greenway Sales, Montgomery, NY, the lowest qualified bidder, at a price of \$92,503.00.

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

\*\*\*

**RESOLUTION NO. 551**

**NYS DOT/HIGHWAY/2016-2017  
CHIPS/LOCAL TRANSPORTATION  
INFRASTRUCTURE FUNDING**

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

**RESOLUTION NO. 551 - Continued**

WHEREAS, a reliable transportation infrastructure is vital for the safety of New York's travelling public and its economy; and

WHEREAS, 85 percent of New York's roads and bridges are maintained by local governments; and

WHEREAS, despite well-timed and targeted preventative maintenance treatments, the age and condition of many of our locally-owned transportation assets means that they are beyond preservation and in need of much more costly rehabilitation and reconstruction; and

WHEREAS, estimated by the State Comptroller, DOT and independent studies show a large portion of road mileage is deteriorating and many bridges in the state are rated structurally deficient and functionally obsolete; and

WHEREAS, the State Comptroller estimates that there will be \$89 billion in unmet local infrastructure needs over the next 20 years; and

WHEREAS, funding for our local system has been far short of what is needed and we've fallen further and further behind in maintaining the vast and aging transportation infrastructure over this long period with severe consequences for conditions ratings; and

WHEREAS, the New York State Consolidated Local Street and Highway Program (CHIPS) provides essential funding for every municipality in the state and is part of the New York State Department of Transportation (NYSDOT) capital program; and

WHEREAS, in the 1990's the Governor and Legislature created the Dedicated Highway and Bridge Trust Fund (DHBTF) to pay for the NYSDOT capital program and the Dedicated Mass Transit Trust Fund (DMTTF) to assist with the Metropolitan Transportation Authority (MTA) and other transit systems' capital programs; and

WHEREAS, when the DHBTF was created, it was agreed that the NYSDOT and MTA five-year capital programs would be similar in size and would be negotiated concurrently; and

WHEREAS, through 2005-09, both five-year capital programs were similar in size and adopted within months of each other; and

WHEREAS, in 2010 the Executive and Legislature broke traditional parity and enacted a five-year capital program for the MTA but not the DOT;

NOW THEREFORE BE IT RESOLVED, that the Town of Orangetown calls upon the Governor and the state Legislature to make additional state funding and resources available at levels that accurately reflect the critical needs of local roads and bridges; and increase CHIPS funding in the 2016-17 state budget; and

BE IT RESOLVED FURTHER, the Town of Orangetown calls upon the Governor, and members of the state Legislature to fully fund and submit a new NYSDOT five-year transportation capital plan; and

BE IT FURTHER RESOLVED, the Town of Orangetown calls upon the Governor and members of the state Legislature to recognize the equality of roads, bridges and transit by restoring funding equality between the MTA and NYSDOT five-year programs and by voting on the plans simultaneously.

Ayes: Councilpersons Diviny, Troy, Valentine  
Supervisor Stewart

Noes: None

Absent: Councilman Morr

\*\*\*

**RESOLUTION NO. 552**

**AID/SHOWMOBILE/PEARL RIVER  
ROTARY/SHARE CHRISTMAS**

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

RESOLVED, 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 Pearl River Rotary for their Share Christmas and the Holidays on Friday, December 11, 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: Councilperson Diviny, Supervisor Stewart  
Councilpersons Troy, Valentine

Noes: None

Absent: Councilman Morr

\*\*\*

**RESOLUTION NO. 553**

**APPOINT ELIZABETH DECORT  
SENIOR CLERK TYPIST BUILDING  
DEPT**

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, appoint Elizabeth Decort, to the position of Senior Clerk Typist, permanent, from list #15110 (RC-NCP) Non-Competitive Promotion, effective 12/9/2015, no change in salary, in the Building Department.

Ayes: Supervisor Stewart  
Councilpersons Diviny, Troy, Valentine

Noes: None

Absent: Councilman Morr

\*\*\*

**RESOLUTION NO. 554**

**APPOINT VIRGINIA RAYMOND  
SENIOR CLERK TYPIST BUILDING  
DEPT**

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

RESOLVED, that upon the recommendation of Rockland County Personnel, appoint Virginia Raymond to the position of Senior Clerk Typist, permanent, from list #15113 (RC-NCP T&E) Non-competitive, Training & Experience Promotion, effective 12/9/2015, no change in salary, in the Building Department.

Ayes: Supervisor Stewart  
Councilpersons Troy, Diviny, Valentine

Noes: None

Absent: Councilman Morr

\*\*\*

**RESOLUTION NO. 555**

**APPOINT SAMUEL DEZAGO/CLERK  
(55A)/TOWN CLERK'S OFFICE**

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

**RESOLUTION NO. 555 - Continued**

RESOLVED, that upon the recommendation of Rockland County Personnel, reclassify the position of File Clerk (55A) to the position of Clerk (55A), Grade 4, Step 30, and appoint Samuel DeZago to that position, effective 12/9/2015, no change in salary, in the Town Clerk's office.

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

\*\*\*

**RESOLUTION NO. 556**

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

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

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

1. License Agreement with the Pearl River Fire Department regarding use of the John Perry House, 295 Blue Hill Rd, Pearl River (August – November 2015).
2. September 1, 2015 Police Commission/Workshop/Executive Session minutes; September 8, 2015 Regular Town Board Meeting minutes; September 15, 2015 Workshop minutes; September 19, 2015 Special Town Board Meeting minutes; September 29, 2015 Regular Town Board Meeting minutes; October 6, 2015 Police Commission/Workshop minutes; October 13, 2015 Regular Town Board Meeting minutes; October 16, 2015 Special Town Board Meeting/Executive Session minutes; October 20, 2015 Workshop/Executive Session minutes; October 27, 2015 Regular Town Board Meeting minutes; and November 4, 2015 Public Hearing-2016 Budget minutes.
3. NY Clean Water State Revolving Fund (CWSRF), Storm Mitigation Loan Program, \$1,500,000 Short-Term CWSRF Financing & \$500,000 CWSRF Grant financing Documents.
4. Agreement with Nyack Hospital for the Employee Assistance Program, dated 10/1/15 – 9/30/16.
5. 2016 Adopted Budgets for the following Fire Districts: Central Nyack; Nyack Joint; Pearl River; Orangeburg and Tappan.
6. Agreement with South Orangetown Central School District for Buildings & Fields Use, 2015-2020.

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

\*\*\*

**RESOLUTION NO. 557**

**AWARD BID/ REPLACEMENT OF  
ACTIVATED CARBON MEDIA/DEME  
GENERAL CARBON CORPORATION**

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

WHEREAS, the Commissioner of DEME duly advertised for sealed bids for Replacement of Activated Carbon Media, which were received and publicly opened on November 12, 2015; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 12-E-15, and made a part of these minutes.

**RESOLUTION NO. 557 - Continued**

RESOLVED, that upon the recommendation of the Commissioner of DEME, award the bid to General Carbon Corporation, Paterson, NJ, for three (3) vessels, at the Orangetown Wastewater Treatment Plant, as per Bid Number ITB-DEME-47-2015, to the qualified low bidder, in the amount of \$62,424.24.

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

\*\*\*

**RESOLUTION NO. 558**

**APPROVE/EXTENSION OF LICENSE AGREEMENT/TOWN OF RAMAPO FIRING RANGE**

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

RESOLVED, upon the recommendation of the Town Attorney's Office, authorize the Supervisor to sign a Letter Extension of License Agreement, for the use of the Town of Ramapo Police Firing Range, for calendar year 2016, at no cost to the Town of Orangetown. Pursuant to the Agreement, the Town of Ramapo shall be added as an additional insured to the Town's police liability insurance policy.

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

\*\*\*

**RESOLUTION NO. 559**

**APPOINT/JOSEPH E WOOLEY HEARING OFFICER/DISCIPLINARY CHARGES/EMPLOYEE NO. 2957**

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

BE IT RESOLVED that the Town Board hereby appoints Joseph E. Wooley, Esq. to act as a hearing officer pursuant to § 75 of the Civil Service Law of the State of New York with respect to certain disciplinary charges, dated May 27, 2015, and amended on December 8, 2015, preferred against employee # 2957; and

BE IT FURTHER RESOLVED, that the hearing officer is directed to conduct a hearing, making findings of fact and issue a recommendation of guilt or innocence, along with a recommended penalty, if appropriate, to the Town Board; and

BE IT FURTHER RESOLVED, the Town Board approves of compensation of Hearing Officer Joseph E. Wooley, Esq. at a rate of \$175.00 per hour not to exceed \$5,000 for services rendered.

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

\*\*\*

**RESOLUTION NO. 560**

**DISCIPLINARY CHARGES EMPLOYEE NO. 2957/SUSPENDED**

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

**RESOLUTION NO. 560 - Continued**

WHEREAS, Employee # 2957 was served with disciplinary charges, dated May 27, 2015, and as amended on December 8, 2015; and

WHEREAS, the Town Board has appointed a hearing officer to conduct a hearing, make findings of fact and issue a recommendation of guilt or innocence, along with any penalty, if appropriate, to the Town Board;

BE IT RESOLVED THAT, effective December 10, 2015, pending the hearing on the charges, employee #2957 is hereby suspended without pay for a period not to exceed thirty (30) days.

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

\*\*\*

**RESOLUTION NO. 561**

**PAY VOUCHERS**

Supervisor Stewart 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 \$1,742,158.06.

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

\*\*\*

**RESOLUTION NO. 562**

**ENTER EXECUTIVE SESSION**

In attendance, at this Executive Session, were Supervisor Stewart, Councilmen Troy, Diviny, and Valentine, John Edwards, Teresa Kenny, Jeff Bencik, James Dean, Joseph Moran and Aric Gorton.

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

RESOLVED, at 9:20 p.m., the Town Board entered Executive Session to discuss personnel issues and Rockland Community College chargebacks. Supervisor Stewart said no further votes will be taken.

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

\*\*\*

**RESOLUTION NO. 563**

**ADJOURNED/MEMORY**

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

RESOLVED, at 9:54 p.m., the Town Board re-entered the Regular Town Board Meeting and adjourned, in memory of Dorothy Masch, Upper Nyack; John L. Sullivan, Uncle to Deputy Town Attorney, Denise Sullivan; Lenny Sullivan, Brother to Detective Joseph Sullivan.

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

+  
\_\_\_\_\_  
**Charlotte Madigan, Town Clerk**