

**TOWN OF ORANGETOWN
WORKSHOP/2018 BUDGET PUBLIC HEARING
TUESDAY, NOVEMBER 14, 2017**

This Workshop Meeting was opened at 8:15 p.m. Supervisor Stewart presided and Charlotte Madigan, Town Clerk, called the roll.

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

Absent: Councilman Gerald Bottari

Also present: Charlotte Madigan, Town Clerk
John Edwards, Town Attorney
Teresa Kenny, Deputy Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Jane Slavin, 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: Town Board

Cottage Lane Elementary School students (Kids Against Climate Change) were presented with a Certificate of Appreciation for their research and communication relating to Climate Change. Christy Blick, teacher, explained that the children were learning about earth systems and the effects of Climate Change. They made posters showing how climate change affects the earth and how people can change these negative effects (recycling more, reduce air pollution & reduce electricity usage etc).

RESOLUTION NO. 565

OPEN PH/2018 PRELIMINARY BUDGET

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

RESOLVED, that the public hearing on the 2018 Preliminary Budget is hereby opened.

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

The Town Clerk presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 11-A-17 and made a part of these minutes.

Summary of Public Comments:
There were no comments from the public.

RESOLUTION NO. 566

CLOSE PH/2018 PRELIMINARY BUDGET

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: Councilperson Bottari

Charlotte Madigan said she is very confused by the resolutions relating to the position of Second Duty Town Clerk for the purpose of collection of taxes. My understanding of this is that January 1st of 2018, I am to take over the receiving part of the taxes. Now, to the best of my memory we helped in the September collection prior to this and then the January collection but to the dissatisfaction of the Supervisor, then saying that we struggled. I do not believe we struggled. We were very successful. My point is this – Bob Simon, very specifically, told me that he was to do the closing documents last year and his job ends December 31st of this year. I think as an Elected Official to another Elected Official would always be respectful of that. During the collection in January, I received an email from Supervisor Stewart

Supervisor Stewart – we have resolutions setup for tonight we just talk about with you. They are pretty clear here so we do not need to go into any back stories as to who sent email and what. Bob has been out sick for the better part of the year and we are making some modifications so we can succeed in January.

Charlotte Madigan – but

Supervisor Stewart – Are you objecting to this resolution?

Charlotte Madigan – Yeah, I already told you that I objected to these resolutions.

Supervisor Stewart – O’kay. Well your objection is noted but we do have a second. Is there any discussion by members of the Town Board?

Sidebar discussion between Supervisor Stewart and Councilman Diviny – Councilman Diviny - appointment.

Supervisor Stewart – we already talk about this.

Councilman Diviny – we cannot make the appointment

Supervisor Stewart and Councilman Diviny continued with their discussion, which was un-audioable.

Charlotte Madigan mentioned in January the Supervisor indicated that in September 2016, we were \$6 million short of what we were the year before but we were not. As collecting taxes in January of 2017, I am sure everyone would agree that would make you alert. Do you remember your email

Supervisor Stewart – Charlie listen we are not going to have an extended conversation about something we already talked about many times.

Charlotte Madigan – but we haven’t, there have been meetings that I was not included in.

Supervisor Stewart – Charlie if you want to go there we can go there.

Charlotte Madigan - yes

Supervisor Stewart – No. You are accusing me of not inviting you to meetings. Do you want to talk about this more or can we just go on with the resolutions.

Charlotte Madigan – I think the public should hear this more.

Supervisor Stewart – o’kay. Again, I am going to describe the purpose of these resolutions. The collection of taxes requires the Town Clerk to have a Deputy. The person who serves as Deputy is named here along with the duties. This resolution is action by the Town Board to make sure the Town Clerk has appropriate staffing. It has been described; it has been motioned; it has been seconded; do I have a vote? All in-favor say aye.

RESOLUTION NO. 567

**2018 PRELIMINARY BUDGET
MODIFICATION/AMENDMENT
2ND DEPUTY CLERK/APPOINT
CAITLYN MORRISON**

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

WHEREAS, the position of Receiver of Taxes is abolished as of January 1, 2018 with duties of the office transferred to the Office of the Town Clerk; and

WHEREAS, the Town Board desires to ensure an appropriate transition of duties;

BE IT RESOLVED the Town Board hereby sets the duties of the second Deputy Town Clerk to execute all aspects related to the 2018 collection of taxes and to complete the final closeouts of the 2018 Tax Collections as prescribed by the Rockland County Receiver; and

RESOLUTION NO. 567 - Continued

BE IT FURTHER RESOLVED the Town Board affirms the appointment of Caitlyn Morrison as second Deputy Town Clerk for the purposes of the collection of 2018 taxes, effective immediately.

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

RESOLUTION NO. 568

**2018 PRELIMINARY BUDGET
MODIFICATION/AMENDMENT
2ND DEPUTY CLERK/STIPEND**

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

WHEREAS, Caitlyn Morrison is currently a Senior Clerk (LFT) (provisional), CSEA Grade 5 Step 1, at a prorated salary of \$33,474.00, and is now appointed as second Deputy Town Clerk for the purposes of 2018 Collection of Taxes; and

WHEREAS, the Town Board wishes to Ms. Morrison to be compensated for the additional responsibilities associated with this position;

BE IT RESOLVED that the Town Board hereby authorizes a stipend of \$10,000 for 2018 to Ms. Morrison for the position of second Deputy Town Clerk for the purposes of 2018 Collection of Taxes.

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

RESOLUTION NO. 569

**2018 PRELIMINARY BUDGET
MODIFICATION/AMENDMENT
DEPUTY CLERK/EMPLOYEE #3485**

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

BE IT RESOLVED that the Town Board hereby directs the Finance Department to stop paying Employee #3485 as Deputy Clerk and reduce the budget line (A.1410.015) accordingly, effective immediately.

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

RESOLUTION NO. 570

**2018 PRELIMINARY BUDGET
MODIFICATIONS/FIRE PREVENTION
HIGHWAY/TOWN CLERK/TAXES**

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

RESOLVED, that the Town Board hereby approves/authorizes the following changes to the 2018 Preliminary Budget.

1. Increase line B.3621.013.17 Fire Safety, Seasonal & Part Time (other than Police) by \$2500 (to increase two seasonal workers by \$1/hr).

RESOLUTION NO. 570 – Continued

- 2. Reduce line D.5130.200.05 Highway Department/Capital, by \$443,903 (projects slated for this funding will be included in the next round of bond financing).
- 3. Reduce budget line A.1410.015 Office of the Town Clerk/Appointed Officials, by the amount of \$66,797.
- 4. Increase line A.1330.015 Receiver of Taxes/Appointed Officials by \$10,000.

And authorize the Finance Director to adjust Fund Balance to accommodate these changes and stay -\$100,000 under the levy cap limit.

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

RESOLUTION NO. 571

**OPEN PH/PROPOSED LOCAL LAW
 AMENDING CHAPTER 24C PROPERTY
 MAINTENANCE/PARKING &
 STORAGE OF VEHICLES**

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

RESOLVED, that the public hearing on the 2018 Preliminary Budget is hereby opened.

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

The Town Clerk presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 11-B-17 and made a part of these minutes.

Summary of Public Comments:

Ellen Hughes, Pearl River, is in favor of this amendment. Commercial car repairs and being done in her neighborhood with noxious odors and waste being washed into the Pascack Creek.
 Andrea Harrison, Pearl River, is in favor. This will enable the Police and/or Code Enforcement to have the ability of enforcement.
 Steven Koenisgoberg, Tappan, agrees with this amendment. He asked what the Penalties are and where are they located in the Code.
 Chris Duggan, Pearl River, is thankful to see this amendment in the Code. It is surprising, when you see this (car parts lying around and extra garbage piling up) in your neighborhood, how it affects you.

RESOLUTION NO. 572

**CLOSE PH/ PROPOSED LOCAL LAW
 AMENDING CHAPTER 24C PROPERTY
 MAINTENANCE/PARKING &
 STORAGE OF VEHICLES**

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

RESOLVED, that the public portion is hereby closed.

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

RESOLUTION NO. 573

**LEAD AGENCY/SEQRA DECLARATION
PROPOSED LOCAL LAW AMENDING
CHAPTER 24C PROPERTY
MAINTENANCE/PARKING & STORAGE
OF VEHICLES**

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

WHEREAS, the Town Board has considered the adoption of a Local Law, amending Town Code Chapter 24C, entitled Property Maintenance, §24C-10(B), Parking and Storage of Vehicles; and

WHEREAS, being the only Involved Agency, the Town Board hereby assumes the role of Lead Agency for environmental review; and

WHEREAS, acting in its capacity as Lead Agency for environmental review, and after taking a “hard look” at all of the potential environmental impacts that might result from the proposed action, the Town Board has concluded that there will be no significant environmental impact or effect caused or occasioned by the proposed change in the Town Code,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the Negative Declaration, and authorizes the Town Supervisor or his designated agent to execute the Environmental Assessment Form and to take such other and further steps as may be necessary to discharge the Town Board’s responsibilities as Lead Agency.

Ayes: Councilpersons Diviny, Valentine, Troy
Supervisor Stewart

Noes: None

Absent: Councilperson Bottari

RESOLUTION NO. 574

**ADOPT LOCAL LAW NO. 10, 2017
AMENDING TOWN CODE PROPOSED
NEW LOCAL LAW/AMENDING CHAPTER
24C PROPERTY MAINTENANCE §24C-
10(B): PARKING AND STORAGE OF
VEHICLES**

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

WHEREAS, the Town Board, in furtherance of its desire to provide for the protection and promotion of the public health, safety, morals, comfort, convenience, prosperity and other aspects of the general welfare of the Town has adopted, implemented, amended and provided for the enforcement of the Town Code and the Zoning Code of the Town of Orangetown, and,

WHEREAS the Town Board (“Board”) of the Incorporated Town of Orangetown, New York (“Town”) finds that there is a critical and compelling need, in the public interests to protect its citizens and businesses health, safety and welfare and to insure compliance with the Town of Orangetown Building, Planning, Zoning and Fire Codes. The Town finds and declares that there is no existing law that preempts the adoption of this Local Law,

NOW, THEREFORE, the following Local Law amending Town Code Chapter 24C, entitled Property Maintenance, §24C-10(B), Parking and Storage of Vehicles is hereby adopted:

Ayes: Councilpersons Diviny, Troy, Valentine
Supervisor Stewart

Noes: None

Absent: Councilperson Bottari

LOCAL LAW NO. 10, 2017
AMENDING CHAPTER 24C PROPERTY MAINTENANCE §24C-10(B):
PARKING AND STORAGE OF VEHICLES

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ORANGETOWN AS FOLLOWS:

Section 1. Purpose: The Town Board ("Board") of the Town of Orangetown, New York ("Town") hereby finds that there is a critical and compelling need, in the public interests as set forth herein, to protect the character of its residential areas, and the health, safety and welfare of its residents to ensure that properties in a residential district are used for residential purposes. The objective of this local law is to clarify that properties in residential zoning districts shall be used in accordance with the use tables previously established by the Town. Section 24C-10(B) currently permits commercial repairs of vehicles in residential districts under certain circumstances, which is not in the best interests of the property owners and residents in these districts.

Section 2. Therefore, §24C-10(B) of the Town of Orangetown entitled "Parking and Storage of Vehicles" is amended to read as follows (additions are underlined, deletions are strikethrough):

No commercial or for hire automotive repairs shall take place on any property located in any residentially zoned district. ~~in the unincorporated portion of the Town of Orangetown, involving two or more vehicles located simultaneously on said premises, for which a registration certificate has been issued to an address other than the premises in question.~~

Section 3. Severability Clause The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid parts.

Section 4. Effective Date. This Local Law shall become effective immediately upon being filed with the Secretary of State.

RESOLUTION NO. 575

CONTRACTS/LIBRARY SERVICES
BLAUVELT FREE LIBRARY,
ORANGEBURG LIBRARY, PALISADES
FREE LIBRARY & TAPPAN FREE
LIBRARY

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

RESOLVED, that the Town Board hereby approves a 1-Year Contract with the Blauvelt Free Library, the Orangeburg Library, the Palisades Free Library and the Tappan Free Library, for library services in and throughout the boundaries of their district as set forth within the Orangetown Library District, and including the residents of Sparkill as delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012, in the Town, for calendar year 2018, as follows:

(A) BLAUVELT:

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 TWENTY THOUSAND THREE HUNDRED NINETY-TWO AND 00/100 (\$720,392.00) 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, and otherwise in accordance with the terms of a contract incorporated herein by reference.

(B) ORANGEBURG:

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 FIVE HUNDRED SIXTY THOUSAND AND 00/100 (\$560,000.00) 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, and otherwise in accordance with the terms of a contract incorporated herein by reference.

RESOLUTION NO. 575 – Continued

(C) PALISADES:

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 EIGHTY ONE THOUSAND SEVEN HUNDRED SIXTY-EIGHT AND 00/100 (\$381,768.00) 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, and otherwise in accordance with the terms of a contract incorporated herein by reference.

(D) TAPPAN:

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 SIXTEEN THOUSAND THREE HUNDRED EIGHTY-SEVEN AND 00/100 (\$716,387.00) 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, and otherwise in accordance with the terms of a contract incorporated herein by reference.

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

RESOLUTION NO. 576

**AGREEMENT/GHD ENGINEERS / NYS
DEC REQUIREMENTS FOR AMMONIA
LIMITATION / DEME**

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

WHEREAS, the NYSDEC has revised the requirement in the Orangetown Sewer District #2 SPDES permit of final effluent limitation for Ammonia removal: and, WHEREAS an engineering report is required to be submitted detailing the design basis, treatment unit type and sizing that will be used to comply with said requirement; and,

WHEREAS four engineering firms responded to a Request For Proposals to submit prices to write the engineering report; and,

WHEREAS GHD Engineers is qualified to write this report and submitted the lowest price,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board approves an agreement with GHD Engineers to write and submit an engineering report to comply with the latest NYSDEC requirement regarding Ammonia Removal in the final effluent for \$21,300.00 and authorizes the Director of DEME to execute the agreement necessary to effectuate this resolution.

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

RESOLUTION NO. 577

**NYC FOOTBALL CLUB / ACCESS
TOWN WATERLINE / SOLL FIELDS**

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

RESLOVED, the Town Board hereby permits and authorizes NYCFC access to the Town's water supply, with a connection at the SOLL fields, at its sole cost and expense for a period not to exceed 30 days and contingent upon evidence of insurance and indemnification

RESOLUTION NO. 577 - Continued

from NYCFC. Water use will be metered/accounted for and the Town reimbursed for the full cost of water used.

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

RESOLUTION NO. 578

ENTER EXECUTIVE/ALUF LAWSUIT

In attendance, at this Executive Session, were Supervisor Stewart, Councilpersons Troy, Diviny, and Valentine, John Edwards, Teresa Kenny and Jane Slavin.

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

RESOLVED, at 9:12 p.m. the Town Board entered Executive Session to discuss Aluf Plastics. Supervisor Stewart said no further votes will be taken.

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

RESOLUTION NO. 579

ADJOURNED/MEMORY

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

RESOLVED, at 9:55 p.m., the Town Board adjourned in memory of Eileen Schlag, former Orangetown Personnel Administrator; Dennis R. Guiry, father of employee Kate Murphy; Michael Houghton, Nyack; and James Walsh, Orangeburg.

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

Charlotte Madigan, Town Clerk