

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, MARCH 4, 2014**

This Town Board Meeting was opened at 7:45 p.m. Supervisor Stewart presided and the Town Clerk called the Roll. Present were:

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

Also present: Charlotte Madigan, Town Clerk
Geraldine Orlik, Deputy Clerk
John Edwards, Town Attorney
Teresa Kenny, First Deputy Town Attorney
Jeff Bencik, Finance Director
Stephen Munno, Highway Administrative Assistant
Joseph Moran, Commissioner of DEME
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks and Recreation

Charlotte Madigan led the Pledge of Allegiance to the Flag.

Summary of Public Comments (RTBM):

Mike Mandel, Pearl River, spoke about the 58% growth in the New York City Pension Funds. He would like an investigation into who is managing the pension funds.

Helen Shaw, Pearl River, is concerned about the long term contamination affects of Shoprite dumping snow and ice onto their residential lot. She requested that dumping be prohibited.

Mr. Shaw, Pearl River, voiced his concerns about Shoprite's snow removal operations being conducted during overnight hours and the amount of noise pollution it causes.

Mary Cardenas, Town Historian, was not apprised of any plans concerning the demolition of the Lent House. She would like some answers as to how this happened.

Eileen Larkin, Palisades, spoke about the unsafe conditions along Oak Tree Road and Route 9W, regarding poor lighting and lack of sidewalks.

RESOLUTION NO. 117

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

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

Noes: None

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RESOLUTION NO. 118

**ACCEPT PETITION/ZONE CHANGE
DIRECT CIRCULATION/PROPOSED
LOCAL LAW/AMENDING TOWN
ZONING MAP**

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

WHEREAS, the owners of premises located at 155 Braunsdorf Road and 156 Braunsdorf Road, both in the hamlet of Pearl River, and both being premises located in the "CC" (Retail Commerce) zoning district, together with the owners of 166 Hunt Avenue, in the hamlet of Pearl River, being premises located in the "MFR" (Multifamily Residence) zoning district, have

Resolution No. 118 – Continued

petitioned the Town Board to change the zoning classification of their properties to that of “RG” (General Residence), a zoning district that directly abuts the three said properties; and

WHEREAS, upon preliminary review, the Town Board is favorably disposed to such a change, because the three said premises, as developed and used, are more in keeping with the uses permitted in the RG zoning district which they abut; and

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

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

1. The proposed action is one subject to review under the State Environmental Quality Review Act (“SEQRA”);
2. The proposed action as an “Unlisted” action; and
3. The following are involved or interested or involved agencies in the review process:
 Orangetown Planning Board;
 Rockland County Department of Planning;
 Rockland County Highway Department

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review under SEQRA, and directs that a Lead Agency Coordination Letter with relevant documents be circulated to and among the various above referenced agencies; and

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

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

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

Noes: None

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RESOLUTION NO. 119

**AID/4TH OF JULY/FIREWORKS
 PEARL RIVER PARK & ACTIVITY
 COMMITTEE**

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

RESOLVED that the Town Board approves aid requested by the Pearl River Park & Activity Committee, Inc for the 4th of July Pearl River Fireworks (with a rain date of July 5th) in the form of Police detail, three yards of sand, trash receptacles and field clean up, large dumpster, barricades and six portable toilets (two handicapped accessible).

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

Noes: None

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RESOLUTION NO. 120

**APPOINT/BLAUVELT FIRE/JOSEPH
 DELEONARDIS/FIREFIGHTER**

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

Resolution No. 120 - Continued

RESOLVED that upon the recommendation of the Blauvelt Fire Dept., Joseph De Leonardis, is hereby appointed to the position of Active Interior Firefighter, with the Blauvelt Volunteer Fire Company and to be sworn in by Charlotte Madigan, Town Clerk, within the next thirty (30) days.

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

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RESOLUTION NO. 121**APPOINT/BLAUVELT FIRE/RYAN M TURI/FIREFIGHTER**

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

RESOLVED that upon the recommendation of the Blauvelt Fire Dept., Ryan M. Turi is hereby appointed to the position of Active Interior Firefighter, with the Blauvelt Volunteer Fire Company and to be sworn in by Charlotte Madigan, Town Clerk, within the next thirty (30) days.

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

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RESOLUTION NO. 122**ALL COUNTY PROPERTY SITE PLAN (SBL 74.07/1/29)/OLD SCHOOL LANE ORANGEBURG/ACCEPT/RECEIVE DOCUMENT**

Councilman Troy offered the following resolution, which was seconded by Councilman Morr 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 All County Properties Site Plan as approved by the Planning Board in decision 2013-35, the Town hereby accepts from All County Properties, LLC, a Road Widening Deed for Old School Lane, Orangeburg, NY, a Quit Claim Deed for property adjacent to Old School Lane and Storm Water Maintenance Agreement and the Supervisor or his/her designee shall execute all documents necessary to effectuate acceptance of same. Upon receipt, from the Rockland County Clerk's Office, to be filed with the Town Clerk.

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

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RESOLUTION NO. 123**MANHATTAN WOODS SUBDIVISION (SBL 69.11/1/1)/AHLMEYER DRIVE WEST NYACK ACCEPT RECEIVE**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Valentine 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 Manhattan Woods Subdivision as approved by the Planning Board in decision 2005-64 and as required by relevant Town Departments, the Town hereby accepts from Manhattan Woods Enterprises, LLC, a Deed for Ahlmeyer Drive Turn Around and a Use, Maintenance and

Resolution No. 123 - Continued

Hold Harmless Agreement, for a rock retaining wall and club entrance wall and the Supervisor or his/her designee shall execute all documents necessary to effectuate acceptance of same. Upon receipt, from the Rockland County Clerk's Office, to be filed with the Town Clerk.

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

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RESOLUTION NO. 124**CERTIFICATE OF REGISTRATION
SEWER WORK**

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

RESOLVED that upon the recommendation of the Town Attorney and Joe Moran, P.E, the Commissioner of the Department of Environmental Management and Engineering, a Certificate of Registration for 2014 Sewer Work is approved for:

1. J.D. Backhoe Service, Inc, 3 Route 340, Orangeburg, NY
2. Coppola Services, Inc, 28 Executive Parkway, Ringwood, NJ
3. Kevin Stokes Excavating, Inc, 52 Grotke Rd, Chestnut Ridge, NY
4. Tobar Excavating, Inc, 385 High St, Norwood, NJ
5. American Minutemen Sewer & Drain Service Inc, 307 S Main St, New City, NY
6. Belleville Landscaping, Inc, 84 North Rt, 9W, Congers, NY
7. Rooter Plumbing Hudson Valley, PO Box 740, Pleasant Valley, NY
8. Cal Mart Enterprises, 4 Burts Road, Congers, NY

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

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RESOLUTION NO. 125**LEAD AGENCY / BOND RESOLUTION
EQUIPMENT FOR CONSTRUCTION
AND MAINTENANCE PURPOSES**

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

WHEREAS, the Town Board has under consideration the approval and issuance of \$1,775,000 bonds for the purchase of equipment for construction and maintenance purposes; and

WHEREAS, the Town Board is the only involved agency in the review process under the State Environmental Quality Review Act relating to such action; and

WHEREAS, the Town Board has determined that it should act as lead agency in connection with the said action,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares itself to be lead agency under SEQRA, relating to the approval and financing of the purchase of equipment for construction and maintenance purposes by the Town.

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

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RESOLUTION NO. 126**NEGATIVE DECLARATION SEQRA
EQUIPMENT FOR CONSTRUCTION
AND MAINTENANCE PURPOSES**

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

RESOLVED, that the Town Board hereby makes and adopts a Determination of Non-significance under the State Environmental Quality Review Act, relating the approval and issuance of \$1,775,000 bonds for the purchase of equipment for construction and maintenance purposes, concluding that such action will not have a significant negative impact on the environment.

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

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RESOLUTION NO. 127**APPROVE PURCHASE OF
EQUIPMENT FOR CONSTRUCTION
AND MAINTENANCE PURPOSES AND
RELATED ISSUANCE OF \$1,775,000
BONDS, SUBJECT TO PERMISSIVE
REFERENDUM**

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

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Orangetown, Rockland County, New York, as follows:

Section 1. The purchase of equipment for construction and maintenance purposes in and for the Town of Orangetown, Rockland County, New York, is hereby authorized at a maximum estimated cost of \$1,775,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$1,775,000 bonds of said Town, hereby authorized, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Orangetown, Rockland County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Resolution No. 127 – Continued

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in The Journal News, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

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

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RESOLUTION NO. 128

**LEAD AGENCY / BOND RESOLUTION
CONSTRUCTION OF GARAGE
FACILITY FOR DEPARTMENT OF
PARKS AND RELATED ISSUANCE OF
\$450,000 BONDS**

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

WHEREAS, the Town Board has under consideration the approval and issuance of \$450,000 bonds for the construction of a garage facility for the Department of Parks, Recreation and Buildings; and

WHEREAS, the Town Board is the only involved agency in the review process under the State Environmental Quality Review Act relating to such action; and

WHEREAS, the Town Board has determined that it should act as lead agency in connection with the said action,

Resolution No. 128 – Continued

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares itself to be lead agency under SEQRA, relating to the approval and financing of the construction of a garage facility for the Department of Parks, Recreation and Buildings.

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

Noes: None

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RESOLUTION NO. 129

**NEGATIVE DECLARATION UNDER
SEQRA / BOND RESOLUTION /
CONSTRUCTION OF GARAGE
FACILITY FOR DEPARTMENT OF
PARKS AND RELATED ISSUANCE OF
\$450,000 BONDS**

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

RESOLVED, that the Town Board hereby makes and adopts a Determination of Non-significance under the State Environmental Quality Review Act, relating the approval and issuance of \$450,000 bonds for the construction of a garage facility for the Department of Parks, Recreation and Buildings, concluding that such action will not have a significant negative impact on the environment.

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

Noes: None

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RESOLUTION NO. 130

**APPROVE CONSTRUCTION OF
GARAGE FACILITY FOR
DEPARTMENT OF PARKS AND
RELATED ISSUANCE OF \$450,000
BONDS, SUBJECT TO PERMISSIVE
REFERENDUM**

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

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Orangetown, Rockland County, New York, as follows:

Section 1. The construction of a garage facility for the Parks Department in and for the Town of Orangetown, Rockland County, New York, including incidental costs and expenses, is hereby authorized at a maximum estimated cost of \$450,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$450,000 bonds of said Town, hereby authorized, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 11 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Orangetown, Rockland County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made

Resolution No. 130 – Continued

in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in The Journal News, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

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

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RESOLUTION NO. 131

**LEAD AGENCY / BOND RESOLUTION
REPLACEMENT OF SPARKILL
CREEK BRIDGE AND RELATED
ISSUANCE OF \$719,000 BONDS**

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

Resolution No. 131

WHEREAS, the Town Board has under consideration the approval and issuance of \$719,000 bonds for the replacement of the Sparkill Creek Bridge; and

WHEREAS, the Town Board is the only involved agency in the review process under the State Environmental Quality Review Act relating to such action; and

WHEREAS, the Town Board has determined that it should act as lead agency in connection with the said action,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares itself to be lead agency under SEQRA, relating to the approval and financing of the replacement of the Sparkill Creek Bridge.

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

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RESOLUTION NO. 132

**NEGATIVE DECLARATION UNDER
SEQRA / BOND RESOLUTION /
REPLACEMENT OF SPARKILL
CREEK BRIDGE AND RELATED
ISSUANCE OF \$719,000 BONDS**

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

RESOLVED, that the Town Board hereby makes and adopts a Determination of Non-significance under the State Environmental Quality Review Act, relating the approval and issuance of \$719,000 bonds for the replacement of the Sparkill Creek Bridge, concluding that such action will not have a significant negative impact on the environment.

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

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RESOLUTION NO. 133

**APPROVE REPLACEMENT OF
SPARKILL CREEK BRIDGE AND
RELATED ISSUANCE OF \$719,000
BONDS, SUBJECT TO PERMISSIVE
REFERENDUM**

Councilman Troy offered the following resolution, which was seconded by Supervisor Stewart and on a roll call was unanimously adopted on a Roll Call:

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Orangetown, Rockland County, New York, as follows:

Section 1. The replacement of the Sparkill Creek Bridge in and for the Town of Orangetown, Rockland County, New York, including improvements and costs incidental thereto, is hereby authorized at a maximum estimated cost of \$719,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$719,000 bonds of said Town, hereby authorized, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 10 of paragraph a of

Resolution No. 133 – Continued

Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Orangetown, Rockland County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,
3. and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
4. Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in The Journal News, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

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

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RESOLUTION NO. 134

**LEAD AGENCY / BOND RESOLUTION
VARIOUS RENOVATION AND
IMPROVEMENT PROJECTS AND
RELATED ISSUANCE OF \$72,000
BONDS IN CONNECTION
THEREWITH**

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

WHEREAS, the Town Board has under consideration the approval and issuance of \$72,000 bonds for various renovation and improvement projects; and

WHEREAS, the Town Board is the only involved agency in the review process under the State Environmental Quality Review Act relating to such action; and

WHEREAS, the Town Board has determined that it should act as lead agency in connection with the said action,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares itself to be lead agency under SEQRA, relating to the approval and financing of various renovation and improvement projects.

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

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RESOLUTION NO. 135

**NEGATIVE DECLARATION UNDER
SEQRA / BOND RESOLUTION/VARIOUS
RENOVATION AND IMPROVEMENT
PROJECTS AND RELATED ISSUANCE
OF \$72,000 BONDS IN CONNECTION
THEREWITH**

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

RESOLVED, that the Town Board hereby makes and adopts a Determination of Non-significance under the State Environmental Quality Review Act, relating the approval and issuance of \$72,000 bonds for various renovation and improvement projects, concluding that such action will not have a significant negative impact on the environment.

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

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RESOLUTION NO. 136

**APPROVE VARIOUS RENOVATION
AND IMPROVEMENT PROJECTS
AND RELATED ISSUANCE OF \$72,000
BONDS IN CONNECTION
THEREWITH**

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

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town of Orangetown, Rockland County, New York, as follows:

Section 1. The following are hereby authorized in and for the Town of Orangetown, Rockland County, New York:

Resolution No. 136

1. The construction and equipping of a bag drop area at Blue Hill golf course, at a maximum estimated cost of \$22,000, being a specific object or purpose having a period of probable usefulness of five years pursuant to subdivision 35 of paragraph a of Section 11.00 of the Local Finance Law;
2. Renovation of the Town Hall, at a maximum estimated cost of \$15,000, being a specific object or purpose having a period of probable usefulness of at least five years pursuant to subdivision 12 of paragraph a of Section 11.00 of the Local Finance Law; and
3. Replacement of the roof at the Nike building, at a maximum estimated cost of \$35,000, being a specific object or purpose having a period of probable usefulness of at least five years pursuant to subdivision 12 of paragraph a of Section 11.00 of the Local Finance Law; and

Section 2. The total maximum estimated cost of the aforesaid objects or purposes is \$72,000, and the plan for the financing thereof is by the issuance of \$72,000 bonds of said Town hereby authorized to be issued therefor pursuant to the Local Finance Law, to be allocated in accordance with the maximum estimated costs set forth in Section 1 hereof.

Section 3. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years.

Section 4 The faith and credit of said Town of Orangetown, Rockland County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7 The validity of such bonds and bond anticipation notes may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,
3. and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
4. Such obligations are authorized in violation of the provisions of the Constitution.

Resolution No. 136 – Continued

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9 This resolution, which takes effect immediately, shall be published in summary form in The Journal News, which is hereby designated as the official newspaper for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

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RESOLUTION NO. 137

SET PUBLIC HEARING RELATING TO THE INCREASE AND IMPROVEMENT OF FACILITIES AT THE ORANGETOWN SEWER DISTRICT

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

WHEREAS, the Town Board of the Town of Orangetown, Rockland County, New York, has caused to be prepared a map, plan and report, including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of the Orangetown Sewer District, in the Town of Orangetown, Rockland County, New York, consisting of sewer re-lining, sewer replacement, sludge press improvements, demolition of a pump station and renovations to a pump station, at a maximum estimated cost of \$1,225,000; and

WHEREAS, after a public hearing thereon the Town Board approved the project and authorized financing thereof:

WHEREAS, it is now desired to call a public hearing on the question of the increase and improvement of the facilities of the Orangetown Sewer District, in the matter described above, and to hear all persons interested in the subject thereof, concerning the same, in accordance with the provisions of Section 202-b of the Town Law; NOW, THEREFORE, IT IS HEREBY ORDERED, by the Town Board of the Town of Orangetown, Rockland County, New York, as follows:

Section 1. A public hearing will be held at the Town Hall, in Orangeburg, New York, in said Town, on March 25, 2014, at 8:10 o'clock P.M., Prevailing Time, on the question of the increase and improvement of the Orangetown Sewer District, in the Town of Orangetown, Rockland County, New York, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the official newspaper, and also to cause a copy thereof to be posted on the sign board of the Town, such publication and posting to be made not less than ten, nor more than twenty, days before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the form attached hereto as Exhibit A and hereby made a part hereof.

Section 4. This Order shall take effect immediately.

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

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RESOLUTION NO. 138**2014 AMERICAN PUBLIC WORKS
ASSOCIATION HOST**

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

RESOLVED, that the Highway Department is hereby authorized to host the American Public Works Association Annual Equipment Show, on Wednesday, May 21, 2014, from 10:00am to 3:00pm, at the Highway Department Facility.

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

Noes: None

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RESOLUTION NO. 139**AID/TAPPAN ZEE HIGH SCHOOL
CROSS COUNTRY 5K RACE**

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

RESOLVED that upon the recommendation of the Highway Department, aid, by providing barricades to Tappan Zee Cross Country, for the 2014 Tappan Zee High School, 5K Race, March 22, 2014, at 9:00 a.m. is hereby approved.

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

Noes: None

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RESOLUTION NO. 140**SHOWMOBILE/PENGUIN PLUNGE**

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

RESOLVED that upon the recommendation of the Superintendent of Parks and Recreation, the use of the show mobile at the Penguin Plunge, on Sunday, March 2, 2014, at a rental cost of \$350.00 with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured is hereby approved.

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

Noes: None

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RESOLUTION NO. 141**SHOWMOBILE/PEARL RIVER DAY**

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

RESOLVED that upon recommendation of the Superintendent of Parks and Recreation, use of the show mobile, by the Pearl River Chamber of Commerce, for Pearl River Day, on Saturday October 4, 2014, at a rental cost of \$350.00 with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured is hereby approved.

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

Noes: None

* * *

RESOLUTION NO. 142**POLICE CONTRACT/WHEELABRATOR
WESTCHESTER/DISPOSAL SPECIAL
WASTE**

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

RESOLVED, that upon recommendation of the Orangetown Police Department, authorization to execute a contract with Wheelabrator Westchester L.P, for the disposal of special waste, and setting up the fee of \$150.00 per ton, not to exceed two tons is approved.

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

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RESOLUTION NO. 143**PERMISSION GRANTED/NYS CLERKS
CONFERENCE/CHARLOTTE MADIGAN**

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

RESOLVED that permission is granted to Charlotte Madigan, Town Clerk, to attend the NYS Town Clerks Conference, Saratoga Springs, NY, April 27-30, at a cost of \$1,210.00.

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

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RESOLUTION NO. 144**JUSTICE COURT AUDIT REPORT
RECEIVE/FILE**

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

RESOLVED that upon recommendation of the Justice Court Clerk, the Independent Auditor's Report and Statement of Cash Receipts, Cash Disbursements and Cash Balances for the year ended December 31, 2013, from O'Connor Davis, LLP is hereby received and filed in the Town Clerk's Office.

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

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RESOLUTION NO. 145**JUSTICE COURT/SECURITY
ATTENDANT/PART-TIME
PERMANENT**

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

RESOLVED that upon the recommendation of Rockland County Personnel and the Human Resources Coordinator, Andrew Eaniello is hereby appointed to the position of Justice Court Attendant (Part Time) permanent, from list #13051 (OC), effective March 5, 2014, with no change in salary.

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

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RESOLUTION NO. 146**SET PUBLIC HEARING FOR
TECHNICAL AMENDMENT TO
CHAPTER 14B, FLOOD DAMAGE
PREVENTION**

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

RESOLVED, that the Town Board will hold a public hearing on March 25, 2014, at 8:05 p.m., to consider an amendment to Chapter 14B of the Town Code (Flood Damage Prevention) to add a definition of the term “violation”, inadvertently omitted when the said Chapter was adopted as Local Law No. 1, 2014.

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

Noes: None

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RESOLUTION NO. 147**ACCEPT/RECEIVE/FILE/ TOWN
CLERK’S OFFICE**

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

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

1. Broadacres Golf Club Management Agreement with Appliedgolf.
2. February 4, 2014 Police Commission minutes; and February 11, 2014 Regular Town Board Meeting/Audit/Executive Session minutes.
3. DEME January 2014 Monthly Monitoring and Sewage Discharge Report (SPDES NY – 0026051).
4. Grant Writer Agreement between the Town and Sylvia Welch (1/29/14).
5. Clarkstown’s Official Map.

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

Noes: None

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RESOLUTION NO. 148**SET PUBLIC HEARING FOR ZONE
CHANGE FROM LIO TO “INDIVIDUAL
FITNESS & TRAINING CENTER” AS
CONDITIONAL USE**

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

RESOLVED, that the Town Board will hold a public hearing on March 25, 2014, at 8:20 p.m., to consider a zone change from an LIO to Individual Fitness & Training Center as a conditional use (337-339 Blaisdell Rd & 302 Orangeburg Rd), requested by Columcille Properties, LLC.

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

Noes: None

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RESOLUTION NO. 149**AUTHORIZE PAY VOUCHERS**

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

Resolution No. 149 - Continued

RESOLVED, the Finance Office is hereby authorized to pay vouchers for General Fund, Town Outside Village, Blue Hill, Broadacres, Highway, Sewer, Capital Projects, Risk Retention, and Special Parking Funds for a total amount of \$1,674,931.31

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

Noes: None

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RESOLUTION NO. 150**ENTER EXECUTIVE SESSION**

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

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

RESOLVED, that the Town Board entered Executive Session at 8:40 p.m. to discuss Empire State Development appraisals and negotiations. Supervisor Stewart said no further votes will be taken.

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

Noes: None

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RESOLUTION NO. 151**RE-ENTER RTBM/ADJOURNED
MEMORY**

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

RESOLVED, that the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of Patricia (Patti) Dorsey, Pearl River; Margaret Freeman, Patrick Loftus' mother-in-law; and Eileen Cassidy, Pearl River, at 9:03 p.m.

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

Noes: None

Charlotte Madigan, Town Clerk