

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, OCTOBER 13, 2015**

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

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

Also present: Charlotte Madigan, Town Clerk
John Edwards, Town Attorney
Teresa Kenny, Deputy Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Joe Moran, Commissioner of DEMA
Robert Simon, Receiver of Taxes
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks, Recreation & Building Maint
Kevin Nulty, Police Chief

Pledge of Allegiance to the Flag of the United States of America was led by the Town Board.

Announcement:

Special Town Board Meeting (STBM) to discuss the RFPs Re: Blue Hill Golf Course on October 16th, 2015, from 10:00 A.M. to 1:00 P.M., in Executive Session.

The Town recognized the Teamwork, Cooperation and Heroic Rescue efforts, exhibited by members of the Police, Fire and Emergency Medical Services, at the scene of a structure fire that took place July 25, 2015 at Cortwood Village Senior Housing Complex. Through their dedication and quick action lives were saved.

Summary of Public Comments:

Robert Tompkins, Orangetown Housing Authority, thanked all of emergency personnel for all of their heroic teamwork services at the Cortwood Village Senior Housing Complex fire. John Clifford, Orangeburg, is against privatizing Blue Hill Golf Course (BHGC). BHGC will start showing a greater profit now that the bonds are paid-off. Nick Frustaci, Sparkill, presented a petition to keep BHGC under the current leadership. Why was funding, for this golf course, eliminated, from the Supervisor's budget? Caroline Clerkin, Pearl River, spoke about flooding from Cherry Brook. She requested funding for an engineer study, to complete Phase II of the Cherry Brook project. Edward Dunn, Pearl River, lives in fear of his house flooding, from Cherry Brook. He requested funding to pipe-in this brook. Carmela Marino, Pearl River, said flooding, from Cherry Brook, has not been resolved with the retention basin, on Crooked Hill Road. Funds are needed for Phase II of this project. Yoshinao Kajikawa, Pearl River, is concerned about children's safety in the area of Cherry Brook. He requested funds, to continue with this drainage project. Robert Zerega, Pearl River, spoke about flooding, safety, and Town liabilities, with reference to Cherry Brook. He would like to see this brook piped-in, from Brightwood Ave to Bogart Ave. Mike Mandel, Pearl River, believes privatization is the way to proceed, with BHGC. Taxpayers can no longer afford to subsidize it. The Cherry Brook drainage project should have been completed 10 years ago. Esta Baitler, Sparkill, hopes, in the coming year, to see a para-transit bus system in Orangetown. She requested, the Town Board to oppose the elimination of the Sheriff's horses. Eileen Larkin, Palisades, spoke about the budget, Tax Base proportions and tax certioraris. It is not fair to pass commercial tax losses onto homeowners. Maybe one tax base will lower taxes. Ronnie Cummings, CSEA President, reminded the Supervisor that he stated the Town employees at BHGC and the Sewer Department will not be losing their jobs and they will be transferred to the Highway Department. These employees will lose their jobs, if any privatizing takes place. You cannot just transfer them to the Highway Department.

Geraldina Schiavone, Town employee, (for the past four and half years) is battling Stage Three Breast Cancer, with weekly chemotherapy treatments. She wakes-up every morning and comes to work, with a smile on her face. Her request, to be treated like other employees that had catastrophic illnesses, to use the sick bank has been denied, even though many of the CSEA employees are willing to donate their own sick time. The majority of her accumulated sick time has been used this year. She is not trying to milk the Town and she does not want this to go to arbitration, where taxpayers will incur legal costs. Mr. Supervisor, please tell me why you do not feel my life matters. She is begging for additional sick time, so that she can continue her treatments and have peace of mind. She asked the Town Board to reconsider.

Amy Wertheim, Pearl River, explained the distillation of wood, solid hydro carbonaceous material (biomass) is an industrial process to produce methanol, acetic acid, etc. This process is prohibited by Town Code 4.42. She requested the Town Board to enforce the Code.

Heather Hurley, Pearl River, wants to be ensured that full remediation is done, on the Pfizer site, before IRG redevelops it. It is imperative that the Town Board pass legislation to ban the manufacturing of BTX.

Jim Waters, Pearl River, urged the Town Board to expedite the process for the affordable units at the Hollows.

Michael Moroney, Pearl River, agrees that flooding from Cherry Brook should be resolved. He disagrees with the Supervisor's BHGC figures. Taxpayers should know the breakdown of net dollars and costs. We are paying Applied Golf \$600,000 a year plus \$35,000 for capital improvements, to manage Broadacres. Knowing how much was generated and returned, from the receipts will tell us the true cost. We need more transparency.

Kimberly Oates, Pearl River, wants a resident policy, for all Town parks and the resident requirement, for the soccer complex, not be lowered. She supports BHGC staying under the current leadership.

RESOLUTION NO. 442

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

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

Blauvelt Library presented their 2016 Budget.

A lengthy discussion regarding the RFPs for the Blue Hill Golf Course, took place.

RESOLUTION NO. 443

**APPROVE/TAX CERTIORARI
ADVANCED BLAUVELT LLC**

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

RESOLVED, that upon the recommendation of the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign the Consent Order and Judgment regarding the tax certiorari proceeding, Advanced Blauvelt LLC v. The Board of Assessors, et al., Tax Map designation 70.06-1-2, (614 Route 303, SOCSO) for the tax assessment year 2014, for a total refund by the County of \$1,673, a total refund by the Town of \$5,365 and a total refund by the School District of \$15,861. 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 Morr, Diviny, Valentine
Noes: None
Absent: Councilperson Troy

RESOLUTION NO. 444

**AID/ORANGEBURG FIRE DISTRICT
ANNUAL HALLOWEEN PARADE**

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

RESOLVED, that the Town Board hereby authorizes the Orangetown Highway Department to lend assistance, which includes the use of barricades & trash barrels, for the annual Orangeburg Fire Department, Halloween Parade, on Saturday, October 31, 2015, from 6 pm to 9 pm.

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

RESOLUTION NO. 445

**APPROVE/SUPPLEMENTAL AGREEMENT
NO. 3 - D031702 - PIN 8059.03 - NYSDOT
FEDERAL AID MARCHISELLI AID
RTE 340 SIDEWALKS/CURBS/DRAINAGE**

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

WHEREAS, a Project for the Installation of Sidewalks, Curb and Drainage on Route 340, from Route 303 to Kings Highway, in the Town of Orangetown, Rockland County, Identified as PIN 8059.03, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the cost such program to be borne at the ration of 80% federal funds and 20% non-federal funds; and

WHEREAS, Resolution No. 323 adopted by the Town of Orangetown on June 19, 2014 approved and agreed to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction, construction inspection and construction support work.

WHEREAS, it was subsequently found necessary to undertake additional construction work not contemplated in the original agreement authorized by the previous resolution; and

WHEREAS, it has been found necessary to increase the federal and non-federal share of the costs for the additional construction work for the project; and

NOW, THEREFORE, the Orangetown Town Board, duly convened does hereby

RESOLVED, that the Orangetown Town Board hereby approves the above-subject project and it is hereby further

RESOLVED, that the Orangetown Town Board hereby authorizes the Town of Orangetown to pay the first instance 100% of the federal and non-federal share of the cost of the additional construction work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$125,000 (\$1,217,000 minus previous \$1,092,000) is hereby appropriated and made available to cover the cost of participation, in the above phase of the project; and it is further

RESOLVED, that in the event that the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Orangetown Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Supervisor thereof, and it is further

RESOLVED, that the Supervisor of the Town of Orangetown be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid, on behalf of the Town of Orangetown with the New York State Department of Transportation, in connection with the advancement or approval of the Project and providing for the administration of the Project and municipality's first instance

RESOLUTION NO. 445 - Continued

funding of project costs and permanent funding of the local share federal-aid and state-aid eligible Project costs and all Project costs, within appropriations therefore that are not so eligible, and is further

RESOLVED, that in addition to the Town Supervisor the following municipal titles: Superintendent of Highways, Director of Department of Environmental Management and Engineering and Director of Finance, are also hereby authorized to execute any necessary agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement:

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and it further

RESOLVED, this Resolution shall take effect immediately

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

RESOLUTION NO. 446

**PERMISSION GRANTED/CHIEF
NULTY/NYS INTELLIGENCE
SUMMIT/BOLTON LANDING-NY**

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

RESOLVED, permission is hereby granted to Chief Kevin A. Nulty, to attend the NYS Intelligence Summit in Bolton Landing, NY, on November 18 - 19, 2015, at a cost of \$181.00 to be charged to account B.3120.408.16.

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

RESOLUTION NO. 447

**AID/SHOWMOBILE/J&J DODGE
(BELL-ANS PARK)/SOUTH
ORANGETOWN DAY**

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

RESOLVED, that upon completion of all necessary paperwork, the Superintendent of Parks and Recreation has forwarded for approval by the Town Board, use of the Showmobile by J & J Dodge (Bell-Ans Park) for South Orangetown Day, Saturday, October 17th, 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 Morr, Supervisor Stewart
Councilpersons Diviny, Morr
Noes: None
Absent: Councilperson Troy

RESOLUTION NO. 448

**AID/ORANGEBURG FIRE DEPT
ANNUAL HOLIDAY PARADE**

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

RESOLVED, that the Town Board hereby authorizes the Town of Orangetown Highway Department, Police Department and Parks Department to lend assistance which includes the use of barricades, trash barrels, and plastic orange fencing, from the Highway Department, OPD Police Coverage & Auxiliary Police, the Showmobile and port-o-johns, from the Parks Department, for the annual Orangeburg Fire Department Holiday Parade, on Saturday, December 12th, 2015, from 6 P.M to 9 P.M.

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

RESOLUTION NO. 449

**APPOINT/KIMBERLY ALLEN
ADMINISTRATIVE SECRETARY
PERMANENT**

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

RESOLVED, that upon the recommendation of Rockland County Personnel, Kimberly Allen is hereby appointed, to the position of Administrative Secretary, Permanent, from EL #15099 (RC-NCP) (Rockland County Non-Competitive Promotion), effective 10/21/2015, with no change in salary.

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

RESOLUTION NO. 450

**APPROVE CONTRACT/NYACK
HOSPITAL EMPLOYEES ASSISTANCE
PROGRAM**

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

RESOLVED, the annual contract with Nyack Hospital EAP (Employee Assistance Program) beginning October 1, 2015 and ending September 30, 2016, at a cost of \$10,783.50 is hereby approved.

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

RESOLUTION NO. 451

**SET PUBLIC HEARING/CONTRACT
BLAUVELT VOLUNTEER FIRE
DEPARTMENT FOR 2016**

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

RESOLUTION NO. 451 - Continued

RESOLVED, that pursuant Town Law Sect. 184, the Town Board will hold a Public Hearing on October 20, 2015, at 8:05 p.m., to consider a Contract, with the Blauvelt Volunteer Fire Department, for 2016 fire protection services in and throughout the Blauvelt Fire Protection Fire District, within the Town.

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

RESOLUTION NO. 452

PERMISSION GRANTED/P.O. HAROLD JOHNSON/ATTEND CSX ROUTES CLASS/ATLANTA-GEORGIA

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

RESOLVED, upon the recommendation of Chief Kevin Nulty, permission is hereby granted to Police Officer Harold Johnson, to attend the CSX Routes Class, in Atlanta, Georgia on October 19-23, 2015, with all tuition, travel and lodging costs to be covered by CSX Railroad.

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

RESOLUTION NO. 453

JUSTICE COURT/ AUTHORIZE GRANT APPLICATION/NYS JUSTICE COURT ASSISTANCE PROGRAM

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

RESOLVED, that the Supervisor is hereby authorized to submit a Grant Application for the Orangetown Justice Court, to the New York State Justice Court Assistance Program 2015, in the amount of \$8,624.00, for the purpose of obtaining Court Room enhancement, security, and office equipment.

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

RESOLUTION NO. 454

AID/SOUTH ORANGETOWN DAY OCTOBER 17, 2015

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

RESOLVED, that the Town Board hereby authorizes the Orangetown Highway Department, to lend assistance, which includes the use of the Message Board, recycling bins and bags, for the South Orangetown Day on Saturday, October 17, 2015.

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

RESOLUTION NO. 455

**AUTHORIZE/ROCKLAND HOUSING
ACTION COALITION/LOTTERY
PARTICIPANTS/THE HOLLOWES
AFFORDABLE UNITS**

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

RESOLVED, the Supervisor is authorized to have the Rockland Housing Action Coalition contact any past participants in the lottery, for the affordable units at The Hollowes and review their financials.

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

RESOLUTION NO. 455A

PAY VOUCHERS

Supervisor Stewart offered the following resolution, which was seconded by Councilman Valentine 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 \$815,868.60.

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

RESOLUTION NO. 456

ADJOURNED/MEMORY

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

RESOLVED, at 10:20 p.m., the Town Board adjourned, in memory of Bridget (Teresa) Davey, Blauvelt; Peter Fornabaio, Sr., formerly of Pearl River; James Hauburger (age 17), Orangeburg; and Douglas J. Reyes, Blauvelt.

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

Charlotte Madigan, Town Clerk