

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, May 20, 2014**

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

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

Also present: Charlotte Madigan, Town Clerk
Elijah Reichlin-Melnick, Supervisor's Confidential Asst.
John Edwards, Town Attorney
Teresa Kenny, First Deputy Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Mike Yannazzone, Highway General Foreman
Stephan Munno, Highway Sr. Assistant Administrator
Joseph Moran, Commissioner of DEME
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks and Recreation

Jim Dean led the Pledge of Allegiance to the Flag.

Announcements:

1. United Water Surcharge Case Hearing for Public Comment, Town Hall, Thursday, May 22, 7pm.
2. RLUIPA Training (Religious Land Use and Institutionalized Persons Act), Town Hall, Thursday, May 29, 7pm. Sponsor: Rockland Municipal Planning Federation.
3. Change in personnel, Supervisor's confidential assistant: Suzanne Barclay separating from Town 5/16/14, Elijah Reichlin-Melnick will take her place, effective 5/19/14

The Highway Department received the 2013 National Safe and Sustainable Snowfighting Award. Jim Dean recognized his employees who have reached their 25-40 years milestones and thanked them for their dedicated service. Summit School students: John Attaway, Joseph Carlino, Devon Darby, Steven Marcellino, Donovan Ramses, Christian Remo and Alec Sherer received Certificates for their hard volunteer work, in making the quality of life better in Orangetown. HDR/LMS was recognized for them being an Adopt-A-Sport sponsor for the past five years. The Beautification Award was given to James and Phyllis Dodge for Andrew's Acre Adopt-A-Spot. Community Clean-Up Awards were received by Sonia Cairo, Gerry Collins, Galit Maayani, and Jo Anne Pederson. Mike Yannazzone, along with the employees, presented Jim Dean with a plaque, to thank him, their boss and friend, for 55+ years of faithful, unselfish, dignified dedicated public service to the residents of Orangetown and the Highway Department.

A Proclamation stating May 18-24, 2014 is Emergency Medical Services (EMS) in the Town of Orangetown was presented to all of Orangetown's Ambulance Corps and the Rockland County Paramedics.

Dennis Lynch, Attorney, for Celtic Sheetmetal addressed the Town Board regarding a zone change (from LO/R-40 Districts to LI District) for 636 North Greenbush Rd, Blauvelt. He asked the Board if proceeding with this project is worthwhile

Summary of Public Comments:

Laurie Wohl, Vice President, Orangeburg Library, donated trees in memory of her husband. She introduced Mary Kane, the new librarian, who began in March. Ms. Kane finds the Orangetown Community friendly, welcoming, and warm.

Mike Mandel, Pearl River, is in favor of a sewer study, but is opposed to a private/public partnership, such a partnership poses a conflict of interest.

Eileen Larkin, Palisades, is opposed to a private/public partnership stating Orangetown can retain its own authority. She welcomed and congratulated Elijah Reichlin-Melnick.

Watson Morgan, Blauvelt, feels the concept of self-examination is a good idea in order to make things more efficient. He has reservations about a Sheet Metal company relocating to Orangetown. Galit Maayani, Coordinator, Keep Rockland Beautiful, thanked the Town Board, the many volunteers, along with the Highway Department, for their help.

Tom DePrisco, Vice President, PRSD Board of Ed., spoke about pension contributions. He applauds the Town Board for Resolution No. 292 and encourages contacting State representatives for mandate relief.

Joseph Brady-Amoon, Nyack, supports the studies on the Sewer Department. He believes the community needs tax relief but not at the expense of Pension Tier III and Tier IV employees, who gave faithful service for decades.

RESOLUTION NO. 281**CLOSE PUBLIC COMMENTS**

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

RESOLVED, that the public portion is hereby closed.

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

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RESOLUTION NO. 282**APPROVE TOWN SERVICES/AID
SUBJECT TO REIMBURSEMENT
GRAN FONDO**

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

RESOLVED that the Town Board hereby authorizes the Town Police, Highway and Parks Department to lend assistance, including personnel and equipment (traffic cones, detour signs, barricades and barrels), as may be required, to the sponsors/organizers of the Gran Fondo Bicycle Race Event, to be held on May 18th as same passes through the Town of Orangetown, subject to, and conditioned on, the reimbursement of any costs incurred by the Town in connection therewith, and further subject to satisfaction of the Town's insurance and indemnification requirements.

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

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RESOLUTION NO. 283**GRANT WRITING/GREEN
INNOVATION GRANT PROGRAM
HOME FOR HEROES DRAINAGE
PROJECT**

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

RESOLVED that the Town Board hereby authorizes Supervisor Stewart to take such action as necessary to submit grant application for the Green Innovation Grant Program for the Homes for Heroes drainage project.

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

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RESOLUTION NO. 284**TAPPAN ZEE BRIDGE COMMUNITY
BENEFITS FUND/AUTHORIZE
APPLICATION**

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

RESOLVED, that the Town Board authorizes Supervisor Stewart to apply for funding under the Tappan Zee Community Benefits Fund with the submission reflecting project priority order.

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

A lengthy discussion took place between the Town Board and the Supervisor regarding the Department of Environmental Management and Engineering. Supervisor Stewart, along with Councilman Valentine, fully supports bringing in outside firms to conduct studies regarding the operation of the Sewer Department, along with the benefits of a public/private partnership. Councilmen Troy, Diviny and Morr are against any outside studies or public/private partnerships. Councilman Diviny adamantly believes a partnership will cost taxpayers more money. Councilman Troy believes the Supervisor has not given his full cooperation to work things out. Councilman Morr believes homework was not done in-house first. They all agreed to an in-house study headed by Joe Moran, Commissioner of DEME. Joe Moran, Commissioner of DEME, is opposed to a private/public partnership and welcomes the opportunity to work with an impartial committee. He has always answered questions and has cooperated with the Board. DEME is locked into certain chemicals, and costs to remain regulated.

RESOLUTION NO. 285**ROLL CALL FAILED/SEWER
TREATMENT PLANT OPERATIONAL
REVIEW STUDY**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Valentine and on a roll call **FAILED**:

RESOLVED given the complexity, cost and essential necessity of sewer operations, the Town Board directs the Supervisor to commission an independent report, for a cost of \$14,500.00 or less, which report shall evaluate current conditions and make recommendations regarding topics such as: labor saving technologies, the need for 24 hour staffing and the “buddy system”, “time clock operation”, “gas boy” security, overtime costs and staffing, succession planning for licensed operator retirements and various other topics as may merit independent analysis to aid the Town Board and current management in setting priorities.

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

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RESOLUTION NO. 286**ROLL CALL FAILED/SEWER STUDY
TO DETERMINE COST/BENEFIT OF
PUBLIC-PRIVATE PARTNERSHIP**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Valentine and on a roll call **FAILED**:

RESOLUTION NO. 286 - Continued

RESOLVED, having reviewed the literature on Private Public Partnerships for sewer operations and consulted with Town of Poughkeepsie and other relevant cases showing likelihood of substantial tax savings and preservation of personnel benefits along with quality of service, the Town Board directs Supervisor to commission an independent report, for a cost of \$5000 or less, that will advise the Town Board whether or not it makes sense to contract with a private company, for the operation and maintenance of part or all of the sewer treatment system, and to make recommendations on various operational questions. Topics to be covered to include: review of comparable cases of subcontracting in the region, estimated cost savings, expected scope of services, term of contract, impact on existing employees' wages and benefits, alternative approaches to consider. The report shall provide draft language or samples of successful RFPs and contracts for operation of sewer treatment plants.

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

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RESOLUTION NO. 287**CERTIFICATE OF REGISTRATION
2014 SEWER WORK**

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

RESOLVED that upon the recommendation of the Town Attorney and the Commissioner of the Department of Environmental Management and Engineering, a certificate of registration for 2014 Sewer Work is approved to:

Dutra Excavating & Sewer, Inc., 10 Stone Hollow Road, Montvale, NJ
First rate Landscaping & Construction, PO Box 1212, New City, NY

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

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RESOLUTION NO. 288**AID/ORANGEBURG VOLUNTEER
FIRE ASSOCIATION CARNIVAL**

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

RESOLVED, that upon recommendation of the Superintendent of Highway, aid, by providing 25 garbage cans (large barrels), 20 barriers (horses) and a dumpster, to the Orangeburg Volunteer Fire Association, for their carnival held from June 4th to June 8th 2014 is hereby approved.

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

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RESOLUTION NO. 289**AID/SHOWMOBILE/FALL MUSIC
FESTIVAL/PIERMONT PAL**

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

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, use of the Showmobile, by the Piermont PAL and The Turning Point, for the Fall

RESOLUTION NO. 289 - Continued

Music Festival, on Monday, September 1, 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, Morr, Troy, Valentine
Supervisor Stewart

Noes: None

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RESOLUTION NO. 290**AID/SHOWMOBILE ROCKLAND
BERGEN MUSIC FESTIVAL**

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

RESOLVED, that upon recommendation of the Superintendent of Parks and Recreation, use of the Showmobile, by Joe Durso and the Rockland Bergen Music Festival Group, for the Rockland Bergen Music Festival on Sunday, June 29, 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, Morr, Troy, Valentine
Supervisor Stewart

Noes: None

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RESOLUTION NO. 291**APPOINT/ASSISTANT PLANT
OPERATOR II/PERMANENT
VINCENT MATTHEW JR**

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

RESOLVED that upon recommendation of Rockland County Personnel and the Commissioner of DEME, Vincent Matthews Jr is hereby appointed to the position of Assistant Plant Operator II permanent, from RC list #12108, grade 14, step 3 at a salary of \$66,675.00, effective June 2, 2014. (Current salary is grade 12, step 4 at \$63,758.00)

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

Noes: None

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RESOLUTION NO. 292**STATE LEGISLATURE/RELIEF
STATE MANDATED IMPEDIMENTS
REPEAL LAWS / TIER IV STATE
EMPLOYEES / PENSION
CONTRIBUTIONS / WICKES LAW**

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

WHEARAS, the town is fully committed to staying within the recently enacted NYS Tax caps through a reduction in services and to the extent possible, employee attrition and consolidation of operations.

The town is requesting help from the State Legislature (Senate and Assembly) with relief from State mandated impediments to meeting the tax levy cap which keeps getting lower and lower:

RESOLUTION NO. 292 - Continued

- the Taylor law, the related Triboro Act and binding arbitration for police contracts as presently constituted.

- Municipalities would also benefit by a repeal of the law whereby Tier III and Tier IV state employees do not have to contribute to their pensions after 10 years. This was passed at the height of the stock market in 1999 and it has had a deleterious effect on municipal budgets the past 10 years - with the draconian pension contributions that municipalities have had to make and often bond. This has been at the expense of the taxpayer rather the employees that benefit from the NYS pension system.

- Also we ask for the repeal of the Wickes law or at least a higher ceiling for having to abide by the law for municipal projects. Rockland should at least be at the same level as Westchester.

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

Noes: None

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RESOLUTION NO. 293**AUTHORIZE PAY VOUCHERS**

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

RESOLVED, that 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 \$1,182,649.35.

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

Noes: None

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RESOLUTION NO. 294**ENTER EXECUTIVE SESSION
PERSONNEL MATTER**

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

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

RESOLVED, that the Town Board entered Executive Session to discuss a particular Personnel matter, at 9:40 p.m. Supervisor Stewart said no further votes will be taken.

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

Noes: None

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RESOLUTION NO. 295**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 Ceil Yezarsky-Cox, employee Bob Yezarsky's sister; and Laura Leddy, Pearl River, at 10:07 p.m.

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

Noes: None

Charlotte Madigan, Town Clerk