

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MONDAY, JUNE 8, 2009**

This Town Board Meeting was opened at 7:40 p.m. Supervisor Kleiner presided and the called the Roll. Present were:

Councilman Denis Troy
Councilwoman Marie Manning
Councilwoman Nancy Low-Hogan
Councilman Michael Maturo

Also present: Teresa Accetta-Pugh, Deputy Town Clerk
John Edwards, Town Attorney
Teresa Kenny, First Deputy Town Attorney
Suzanne Barclay, Executive Assistant to the Supervisor
Charles Richardson, Director of Finance
James Dean, Superintendent of Highways
Ron Delo, Director of the Dept. of Env'tl Management & Engineering
John Giardiello, Director of OBZPAE
Aric T. Gorton, Superintendent Parks-Rec. & Building Maint.

Esta Baitler, Sparkill, led the Pledge of Allegiance to the Flag.

O&R Proposed Gas Rate Hikes public meetings will be held Thursday, June 11th at 8:00 p.m., at Ramapo Town Hall, and Monday, June 15th at 7:45 p.m., at Orangetown Town Hall.

Summary of Public Comments (RTBM):

Michael Mandel, Pearl River, requested the status of getting the Sheriff's Dept. to clean-up RPC. He is in favor of a supermarket next to Lowes.

Esta Baitler, Sparkill, feels a Police Officer should be patrolling Pearl River and there should be a crossing guard on Middletown Road.

Eileen Larkin, Palisades, commended Caribbean Foods (Route 303) for their landscaping. She believes the median strip on Orangeburg Road was supposed to be kept landscaped.

Gail Raffaele, Tappan, would like to know if this board can take emergency action to temporary repair the hole in front of the Tappan Fire Department. She is in favor of the Stop & Shop.

Andrew Wiley, Pearl River, spoke about President Obama and a memorializing resolution.

RESOLUTION NO. 351

CLOSE PUBLIC PORTION

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilman Maturo and was unanimously adopted:

RESOLVED, that the public comment portion is hereby closed.

Ayes: Councilpersons Low-Hogan, Maturo, Troy, Manning
Supervisor Kleiner

Noes: None

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RESOLUTION NO. 352

**OPEN PH/ AMENDING CHAPTER 1-A
APPRENTICESHIP TRAINING**

Councilwoman Manning offered the following resolution, which was seconded by Councilman Maturo and was unanimously adopted:

RESOLVED, that the Town Board entered a public hearing to consider a proposed local law amending the Town Code, Chapter 1-A, relating to apprenticeship training at 8:00 p.m..

Ayes: Councilpersons Manning, Maturo, Troy, Low-Hogan
Supervisor Kleiner

Noes: None

The Deputy Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 06-A-09 and made a part of these minutes.

This proposed law will require union and non-union contractors to participate in apprenticeship programs in order to be able to bid on public works contracts that are \$250,000 or more. The law will help meet the need for skilled craftsmen and to help students find work study programs where they can earn wages while learning a well paying trade. The Towns of Clarkstown, Ramapo and Haverstraw have legislation that is nearly identical to the legislation that the Town Board is considering. Additional information that has been brought to the Town Board's attention is the lack of the ability of training for private entities, meaning non-union contractors, within the County of Rockland.

Summary of Public Comments (PH):

Joe Nery, Local 754-Laborers Union, said a four-year program teaches everything including training, first aid, safety and it addresses sexual harassment. He believes an Apprentice program is important to all contractors and municipalities, especially for safety reasons.

Seta Etmekjain, Palisades, opposes the current structure of this program. She believes the playing field should be equal to union and non-union contractors. State training and funding should be available to non-union contractors and small shops.

Rebecca Meinking, President of Associated Builders and Contractors, Inc., said the State requires every worker on a public works job of \$250,000 or more to have the Federal Occupational Safety and Health Administration (OSHA) 10-hour training. She applauds the Town Board for wanting to support training initiatives but she cautions that training and apprenticeship are not synonymous. Apprenticeship training in New York State is very difficult and expensive for small contractors. She informed the Town Board that there is a lawsuit (filed March 2009) challenging apprenticeship requirements based on their unconstitutionality. The defendants, the Dept of Labor and the State Comptroller, are required to answer the complaint by June 15th.

Elchanan Zuckman is against this requirement. He believes this program is not practical for small businesses and this is a tool to eliminate small businesses.

Paul Valentine, Jr., Blauvelt believes many courts are in agreement that laws giving bidding preferences to contractors are anti-competitive. General Municipal Law, Section 103 is to assure the prudent and economical use of the public money for all of the benefits of all the habitants of this state.

Paul Valentine, Sr., Blauvelt, asked the Town Board to vote "no" because this law doesn't promote the use of Apprenticeship. It is unjust, discriminatory, is of no benefit to the taxpayers and is only used to limit competition. This law has been approved in other towns under the bases that it promotes education. It took him over 18 months and it cost him thousand of dollars to get a state approved program. The Davis-Beacon Act, which requires paying prevailing rates, allows apprentices and paying them at a lower rate.

Gail Raffaele, Tappan, thinks in light of the fact that there's a lawsuit already to be considered, this should be put on the back burner until at least there is some more direction from the courts.

Eileen Larkin, Palisades, believes this legislation should not be impose on the new Town Board. The Town should not have competition between unions and non-unions.

Andrew Wiley, Pearl River, spoke about contractors and prevailing wages. He has no faith that this law will be followed and he thinks the timing of this law is inopportune.

Michael Mandel, Pearl River, said this action should be shelved until Rockland Community College definitely offers the courses.

Paul White, electrical contractor, is in the process of applying for an Apprenticeship but it is a very complicated process, it's costly, it is hard to keep it going, it drives costs up and it drives the little guy out of business.

Billy Valentine, Blauvelt, said he doesn't see the purpose of this law. Contractors are governed by OSHA laws. All jobs, when finished, are inspected by engineers and independent agencies. The licensed contractor is personally liable and he is required to post a Performance Bond, which he can forfeit if the promised work is not performed.

Peggy Zambetti said her company is certified by the National Association of Home Builders (NAHB), which takes care of the safety quality. Small businesses are well-trained and follow state guidelines. Apprenticeships are non-competitive and it's not going to save any money.

Jerry Friedman has never seen the benefit of unions saving the taxpayers' money. Everything that draws costs up is pushing businesses away from Rockland County.

RESOLUTION NO. 353**CLOSE PUBLIC PORTION
APPRENTICESHIP TRAINING
PROGRAM**

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

RESOLVED, that the public comment portion is hereby closed.

Ayes: Councilpersons Low-Hogan, Troy, Manning, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 354**RESUME DISCUSSIONS/SCHEDULE
PUBLIC HEARING/APPRENTICESHIP
TRAINING PROGRAM**

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

RESOLVED, that the Town Board will resume discussions and possibly schedule a public hearing, regarding the Apprenticeship Training Program, at the September 8, 2009 workshop meeting.

Ayes: Councilpersons Maturo, Troy, Manning, Low-Hogan
Noes: Supervisor Kleiner

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RESOLUTION NO. 355**AID/ACTIVE INTERNATIONAL
5K WALK/GOOD SAMARITAN
HOSPITAL/CARDIOVASCULAR**

Councilman Troy offered the following resolution, which was seconded by Councilwoman Low-Hogan and was unanimously adopted:

RESOLVED, that the request of Active International for the use of the Show-Mobile for the second annual Little Bit O' Sole 5K Walk for Life benefiting the Active International Cardiovascular Institute at Good Samaritan Hospital, on Sunday, October 4, 2009, at One Blue Hill Plaza from 7:30 a.m. to 4:30 p.m. at a rental fee of \$300 to be charged to Acct. A7550004/50457 is hereby approved.

Ayes: Councilpersons Troy, Low-Hogan, Manning, Maturo
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 356**AID/PEARL RIVER ROTARY/PR
CHAMBER/PR SEPTA/SOAPBOX
DERBY/CHILI COOK-OFF**

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

RESOLVED, that the request of the Pearl River Rotary, Pearl River Chamber of Commerce and Pearl River SEPTA for use of five portable toilets, trash receptacles and removal, barricades and cones and striping of Central Avenue for the Soap Box Derby, Chili Cook-off and Family Fund Day to be held at the Central Avenue Field, Pearl River, on June 7, 2009, to be charged to Account No. A7550004/50457 is hereby approved.

Ayes: Councilpersons Maturo, Troy, Manning, Low-Hogan
Supervisor Kleiner
Noes: None

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RESOLUTION NO. 357**AMEND TOWN BOARD CALENDAR
AUDIT MEETINGS/WORKSHOPS**

Councilman Maturo offered the following resolution, which was seconded by Councilwoman Manning and was unanimously adopted:

RESOLVED, that the Town Board calendar is hereby amended to reflect the possibility of holding Audit meetings after Workshop meetings through September, 2009.

Ayes: Councilpersons Maturo, Manning, Troy, Low-Hogan
Supervisor Kleiner

Noes: None

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RESOLUTION NO. 358**AWARD BID/GRASS PELLET FIRED
BOILER/INNIS SALES**

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilwoman Manning and was unanimously adopted:

RESOLVED, that the bid for a grass pellet fired boiler in the amount of \$10,100 is hereby awarded to Innis Sales, Wallkill, NY, the only bidder (funded by NYSERDA).

Ayes: Councilpersons Low-Hogan, Manning, Troy, Maturo
Supervisor Kleiner

Noes: None

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RESOLUTION NO. 359**PERMISSION GRANTED/POLICE
MANAGING CIVIL ACTIONS IN
THREAT INCIDENTS**

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilwoman Manning and was unanimously adopted:

RESOLVED, that permission is hereby granted for one police officer to attend the "Managing Civil Actions in Threat Incidents" workshop on June 16-18, 2009, in Oriskany, NY to be charged to Acct: B/3120/50441/0480.

Ayes: Councilpersons Low-Hogan, Manning, Troy, Maturo
Supervisor Kleiner

Noes: None

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RESOLUTION NO. 360**PERMISSION GRANTED/POLICE
DCJS LAW ENFORCEMENT/MENTAL
HEALTH SUMMIT**

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

RESOLVED, that permission is hereby granted for one police officer to attend the "DCJS Law Enforcement/Mental Health Summit" on June 25-26, 2009, in Albany, NY to be charged to Acct.: B/3120/50441/0480.

Ayes: Councilpersons Manning, Troy, Low-Hogan, Maturo
Supervisor Kleiner

Noes: None

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RESOLUTION NO. 361**ACCEPT MINUTES**

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

Resolution No. 361 - Continued

RESOLVED, that the May 4, 2009 Special Town Board Meeting and Audit Meeting minutes; the May 11, 2009 Regular Town Board Meeting, Audit Meeting and Executive Session minutes; the May 18, 2009 Audit Meeting minutes; and the May 26, 2009 Regular Town Board Meeting, Audit Meeting and Executive Session minutes are hereby accepted.

Ayes: Councilpersons Troy, Manning, Low-Hogan, Maturo
Supervisor Kleiner

Noes: None

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RESOLUTION NO. 362

**CHANGE ORDER NO. 11/WWTP-06-1E
ALL BRIGHT ELECTRIC
RECEIVED/FILED**

Councilwoman Manning offered the following resolution, which was seconded by Councilman Maturo and was unanimously adopted:

RESOLVED, that the original executed Change Order No. 11 between the Town of Orangetown and All Bright Electric for WWTP & Hunt Road Pumping Station Improvements (WWTP-06-1E) is received and filed in the Town Clerk's Office.

Ayes: Councilpersons Manning, Maturo, Troy, Low-Hogan
Supervisor Kleiner

Noes: None

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RESOLUTION NO. 363**ENTER AUDIT**

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

RESOLVED, that the Town Board entered the Audit Meeting at 9:20 p.m.

Ayes: Councilpersons Troy, Manning, Low-Hogan, Maturo
Supervisor Kleiner

Noes: None

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RESOLUTION NO. 364**PAY VOUCHERS**

Councilman Troy offered the following resolution, which was seconded by Councilwoman Manning 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, Trust and Agency, Special District, Special Parking and Capital Projects Funds, in the amount of \$1,118,724.03.

Ayes: Councilpersons Troy, Manning, Low-Hogan, Maturo
Supervisor Kleiner

Noes: None

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RESOLUTION NO. 365**ENTERED EXECUTIVE SESSION**

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilwoman Manning and was unanimously adopted:

RESOLVED, that the Town Board entered Executive Session at 9:26 p.m.

Ayes: Councilpersons Low-Hogan, Manning, Troy, Maturo
Supervisor Kleiner

Noes: None

Resolution Nos. 365A and 366 see Executive Session.

RESOLUTION NO. 367

**APPROVE/DISCIPLINARY
PROCEEDING SETTLEMENT
POLICE EMPLOYEE NO. 2145**

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

RESOLVED, that the Town Board approves the settlement of an open disciplinary proceeding brought against Employee No. 2145 by the filing of charges dated January 13, 2009, in accordance with the terms of the Rockland County Police Act.

Ayes: Councilpersons Low-Hogan, Troy, Manning, Maturo
Supervisor Kleiner

Noes: None

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RESOLUTION NO. 368

ADJOURNMENT

Councilwoman Low-Hogan offered the following resolution, which was seconded by Councilwoman Manning and was unanimously adopted:

RESOLVED, that the Town Board adjourned, in memory of Ralph Mandia, Clarkstown Town Board Member, at 10:40 p.m.

Ayes: Councilpersons Low-Hogan, Manning, Troy, Maturo
Supervisor Kleiner

Noes: None

Teresa Accetta-Pugh, Deputy Town Clerk