

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, AUGUST 13, 2013**

This Town Board Meeting was opened at 8:05 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
John Edwards, Town Attorney
Teresa Kenny, First Deputy Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Joseph Moran, Commissioner of DEMA
Robert Simon, Receiver of Taxes
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:

Mike Mandel, Pearl River, asked about Broadacres RFP and a cost analysis on eliminating the Receiver of Taxes. He is in favor of an outside attorney to fight United Water's rate increase. Walter Wettje, Pearl River and Candidate for Supervisor, spoke about government ethics policies and the Supervisor's unauthorized email blast, from the Town's email system, regarding his golf outing.

Allan Ryff, Deputy Supervisor and Liaison to the Ethics Committee, said the email blast issue was investigated and cleared.

RESOLUTION NO. 367

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

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

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RESOLUTION NO. 368

**TOWN BOARD CALENDAR
CHANGE/SEPTEMBER 9, 2013**

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

RESOLVED, that the Town Board Meeting scheduled for September 10, 2013 has been changed to September 9, 2013, starting at 7:00 p.m.

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

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RESOLUTION NO. 369**OAK TREE ROAD BRIDGE
REPLACEMENT/PERSISTENT
CONSTRUCTION/AWARDED BID**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for the Oak Tree Road Bridge Replacement bid, a New York State Capital Assistance Program (NYS CAP) Grant Project ID #3893, Flood Mitigation for Sparkill Creek, which were received and publicly opened on June 27, 2013; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 08-A-13, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that upon the recommendation of the Superintendent of Highways and the Commissioner of D.E.M.E, this bid is hereby awarded to Persistent Construction, Fairview NJ, the lowest qualified bidder, in the amount of \$1,585,216.69 to be charged to Account Number H5110.200.76.

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

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RESOLUTION NO. 370**AID/ROCKLAND ROAD RUNNERS
CLUB/SOUTH NYACK TEN MILER**

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 and the Superintendent of Highways, aid to the Rockland Road Runners Club, by providing 8 port-o-johns (2 handicap), with the units to be delivered to the Orangetown Fire House, 90 Depot Place, South Nyack on Friday before the event and for use of the section of South Broadway between Livingston Place and the entrance to the Esposito Memorial Trail and the portion of the trail, which is located in the unincorporated portion of the Town of Orangetown, for their 25th Anniversary South Nyack Ten Miler, on Sunday, September 8, 2013 at 8:30 a.m., is hereby approved, pending approval of the use road application.

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

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RESOLUTION NO. 371**COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items 4 through 8 and are hereby combined.

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

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RESOLUTION NO. 372**AID/PEARL RIVER LIONS/ANNUAL
FLEA MARKET/CRAFT FAIR**

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

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, aid to the Pearl River Lions Club, by providing 3 port-o-johns, and 8 large garbage cans, for their

Resolution No. 372 - Continued

annual flea market and craft fair, which will be held on Saturday, September 21, 2013 (rain date September 28th) on the Central Avenue field in Pearl River is hereby approved.

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

Noes: None

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RESOLUTION NO. 373**AID/BLAUVELT LIONS CLUB
ANNUAL APPLEFEST**

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

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation and the Superintendent of Highways, aid to the Blauvelt Lions Club, by providing 2 port-o-johns (1 handicap) and recycling bins, for their 10th Annual Applefest, on Sunday, September 29, 2013, in Flywheel Park, Piermont is hereby approved.

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

Noes: None

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RESOLUTION NO. 374**SHOWMOBILE/SONS OF ITALY
ITALIAN FEST**

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

RESOLVED that upon the recommendation of the Superintendent of Parks and Recreation, the request by the Sons of Italy for use of the Showmobile, for their Italian Fest, from Sept 11th to Sept 16th at a 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

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RESOLUTION NO. 375**SHOWMOBILE/DOMINICAN
COLLEGE/FIRE IN THE SKY EVENT**

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

RESOLVED that upon the recommendation of the Superintendent of Parks and Recreation, the request by Dominican College, for use of the Showmobile, for their Fire in the Sky Event on Saturday, September 21, 2013, at a 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

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RESOLUTION NO. 376**AID/RIDGE STREET CLASSIC**

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

Resolution No. 376 - Continued

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation and the Superintendent of Highways, aid for the Ridge Street Classic, by providing 3 port-o-johns, 8 large garbage cans, recycle bins and Orangetown lighting, commencing at 8 a.m., Sunday, September 1, 2013, at Ridge St. and Gilbert Ave., is hereby approved.

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

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RESOLUTION NO. 377**AUTHORIZE/TRANSPORTATION
ENHANCEMENT PROGRAM GRANT
APPLICATION**

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

WHEREAS, the Town of Orangetown herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Transportation Equity Act for the 21st Century and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users provided funding opportunities for activities intended to benefit the traveling public, to increase transportation choices and access, to enhance the built and natural environment and to provide a sense of place; and

WHEREAS, the activities of the Project herein benefit the traveling public, increase, access to public transportation, enhance the built environment and further the Municipality's plans for the revitalization of the Hamlet of Pearl River; and

WHEREAS, the Municipality deems it to be in the public interest and benefit under these acts to authorize and direct Andrew Y. Stewart, as Supervisor of the Town of Orangetown, New York, to file an application for funds to the New York State Department of Transportation, Transportation Enhancement Program.

NOW, THEREFORE, BE IT RESOLVED BY the Members of the Town Council of the Town of Orangetown:

1. That Andrew Y. Stewart, as Supervisor, is hereby authorized to file an application for funding in support of the construction of new ADA-compliant sidewalks and curbcuts, improved and reconfigured crosswalks and the installation of new street lighting and related streetscape improvements along North Middletown Road, from Crooked Hill Road to Central Avenue and improvements related to improving traffic flow and pedestrian safety along Central Avenue to Railroad Avenue and the New Jersey Transit Station; and
2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work upon execution of a contract with New York State Department of Transportation.

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

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RESOLUTION NO. 378**GRANT WRITER/SYLVA WELCH
TAPPAN ZEE BRIDGE COMMUNITY
BENEFIT PROGRAM**

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

RESOLVED, that the Town Board authorizes the Supervisor to engage grant writer Sylvia Welch in creating 4-5 funding requests to the Tappan Zee Bridge Community Benefit Program, at a cost of no more than \$1000, at her standard rate of \$55/hour. Requests are to be derived from Town capital project inventories and consultation with department heads and Town Board approval.

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

Noes: None

RESOLUTION NO. 379**APPOINT/ADMINISTRATIVE
SECRETARY I/NADIA SHAPIRO**

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

RESOLVED, that Nadia Shapiro is hereby appointed to the position of Administrative Secretary 1, at a salary of \$ 53,477.00, Grade 12, Step 1, subject to her satisfactory completion of the period of probation, under the Rules of the Rockland County Department of Personnel.

Ayes: Councilpersons Valentine, Troy, Morr
Supervisor Stewart

Noes: None

Abstained: Councilman Diviny

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RESOLUTION NO. 380**APPOINT/CUSTODIAN/BUILDING
MAINTENANCE/JOHN ROBINSON**

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

RESOLVED, that John Robinson is hereby appointed to the position of Custodian (full-time) in the Building Maintenance Department, at an annual salary of \$65,080. This appointment fills an existing position vacated due to retirement.

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

Noes: None

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RESOLUTION NO. 381**APPOINT/BLUE HILL GOLF COURSE
GROUNDWORKER/JAMES DAVIE**

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

RESOLVED, that James Davie is hereby appointed to the position of Groundworker (full-time) at Blue Hill Golf Course at an annual salary of \$57,058.00. This appointment fills an existing position vacated by the transfer of an employee to the Building Maintenance Department.

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

Noes: None

RESOLUTION NO. 382

**INSTALLATION FIRE HYDRANT
618 BLAUVELT RD/PEARL RIVER**

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

RESOLVED, that upon the recommendation of United Water New York and the Town of Orangetown Fire Inspector, the installation of one (1) fire hydrant at 618 Blauvelt Road, Pearl River is hereby approved.

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

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RESOLUTION NO. 383

**ADOPT/CERTIFICATE OF CURRENT
HOMESTEAD BASE PROPORTIONS
ADJUSTED BASE PROPORTIONS**

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

RESOLVED, that upon the recommendation of the Assessor, the Town Board hereby adopts Certificated of Current Homestead Base Proportions and Adjusted Base Proportions (Forms 6701 & 6703 and Exhibit 08-B-13), pursuant to Article 19, Section 1903 of the Real Property Tax Law for the Levy of Taxes on the 2013 Assessment Roll, and the Town Clerk is hereby authorized to affix Town Certification.

For comparison purposes, the following is a table indicating last year's Town-wide & Town Outside Villages adjusted base proportions:

<u>Town-Wide</u>	<u>2012</u>	<u>2013</u>	<u>TOV</u>	<u>2012</u>	<u>2013</u>
<u>Homestead</u>	67.89631	66.19896		66.95601	65.39349
<u>Non-Homestead</u>	32.10369	33.80104		33.04391	34.60651

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

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RESOLUTION NO. 384

DECLARE SURPLUS EQUIPMENT

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

RESOLVED that upon the recommendation of the Superintendent of Highways, the following equipment is declared surplus:

Vehicles already surplus, we want to keep for parts

Old truck 62 1990 FWD dump truck
Old truck 85 1988 FWD dump truck

SURPLUS EQUIPMENT AVAILABLE FOR AUCTION

1990	Petersen Brush Trailer	TT20390132
2001	Freightliner FC-70/ Tymco 600	1FVAB3BV61HH57715
1997	Chevy C-8500 Dump	1GBP7H1J1VJ115759
2001	Dodge Ram 3500	3B6MF366X1M575089
2001	Dodge Durango	1B4HS28N01F604300
1959	Athey Belt Loader	5663K17CK

Resolution No. 384 - Continued

5- Harder slide in spreaders (est. 1990) Model STD 90
Hydraulic driven 11' long 2' wide with 20" drop down spinner

5- Frink Heavy Duty Plows (est. 1990) 12' wide plastic/polymer
Hydraulic motor worm gear angle

2- Spare A-Frame assemblies for Frink plows with worm gear and 4 gear segments

2- Pallets (15 pieces) miscellaneous Frink plow mounting brackets and wing cylinder mounts
with one wing lift cylinder

1- 10' wing plow all steel with mounting support arms (est. 1980)

Portable Tripod Winch with mounting plate MTH 120, model 120, serial no. 8501094, capacity
300lbs.

8- White plastic/polymer triangle shaped tanks 80 gallon capacity. 7' long, 24" wide at the base
and 4" wide at the top, 24" tall. Included are some shut-off valves and small pumps in
weatherproof mounting boxes, with hold down straps.

2- New loader bucket cutting edges (6 pieces total) 1" thick steel
Two center pieces 46" x 13"
Four end pieces 20" x 13"

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

Noes: None

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RESOLUTION NO. 385

**SANITARY SEWER IMPROVEMENTS
CURED-IN-PLACE/S NYACK/NYACK
TAPPAN/EN-TECH CORPORATION
AWARD BID**

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

WHEREAS, the Commissioner of DEME, duly advertised for sealed bids for the Sanitary
Sewer Improvements (Cured –in-Place Method) for Nyack, South Nyack and Tappan (ITB-
DEME-41-2013) in the Town of Orangetown, which were received and publicly opened on
August 1, 2013; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is
labeled Exhibit 08-C-13, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to EN-TECH CORPORATION, Closter,
New Jersey, at a cost of \$ 82,380.00.

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

Noes: None

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RESOLUTION NO. 386

**DANIEL DUTHIE, ESQ/PUBLIC
SERVICE COMMISSION/2013 UNITED
WATER RATE FILING/APPROVE
RETAINER**

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

RESOLVED, that the Town Board hereby approves the retention of Daniel P. Duthie,
Esq., to represent the interests of the Town of Orangetown, as part of a municipal consortium

Resolution No. 386 - Continued

with Party Status, before the Public Service Commission, relating to a 2013 rate filing by United Water under rate case 13-W-0295, in an amount not to exceed \$15,000.00; and be it further

RESOLVED, that, in furtherance hereof, the Supervisor shall be authorized to execute a Retainer Agreement with Daniel Duthie in a form approved by the Town Attorney.

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

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RESOLUTION NO. 387**SYMPROCITY SOFTWARE SYSTEMS,
INC/BUREAU OF FIRE PREVENTION
APPROVE CONTRACT**

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

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a one (1) year contract, on behalf of the Town, as proposed and written, with SYMPROCITY SOFTWARE SYSTEMS, INC. for a new inspection and record keeping software program and database customized for the Bureau of Fire Prevention, for a sum of FIVE AND 00/100 (\$5.00) DOLLARS per Inspection performed; and for the lease to the Town of a "Field Inspection Tablet Computer", specifically, the latest version of a Microsoft Surface tablet with Internet Access for FOUR AND 00/100 (\$4.00) DOLLARS per inspection.

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

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RESOLUTION NO. 388**ACCOUNT KEEPING SUPERVISOR
GRADE CHANGE/FINANCE**

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

RESOLVED, that the position of Account Keeping Supervisor, in the Finance Department, is hereby changed from a Grade 13 to a Grade 15, with an annual salary of \$67,264.00, effective January 1, 2013.

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

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RESOLUTION NO. 389**ACCEPT/RECEIVE/FILE/DOCUMENTS
TOWN CLERK'S OFFICE**

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

RESOLVED, that the following items are hereby accepted, received and filed in the Town Clerk's Office:

1. Regular Town Board/Audit Meeting and Executive Session minutes of June 25, 2013; Police Commission and Executive Session of July 2, 2013; and Regular Town Board/Audit Meeting of July 9, 2013.
2. Fee Retention Letter Agreement (Clarkstown Landfill) with The Justis Law Firm, LLC.
3. Agreement between Hi-Tor Animal Care Center and the Town, dated 7/24/13.
4. Equipment Use Agreement between the Village of West Haverstraw and the Town for use of a camera vehicle and related equipment for a drainage condition (dated 7/29/13).

Resolution No. 389 - Continued

5. Easement (73.15-1-17) with 155 Corporate Drive (73.15-1-18 & 73.19-1-1), Orangeburg (Russo Development LLC) for installation & maintenance of telecommunications facilities.

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

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RESOLUTION NO. 390

PAY VOUCHERS

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

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 \$2,182,033.60.

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

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RESOLUTION NO. 391

ADJOURNED/MEMORY

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

RESOLVED, that the Town Board adjourned in memory of James M. Morrison II, Nanuet; Lindsey Stewart, Piermont; Mark Lennon, Pearl River; George Merchant, WWII Vet, of Pearl River; Lawrence (Larry) Dolan, WWII Vet and a Purple Heart recipient of Pearl River; and Gary Weir, Pearl River, at 9:19 p.m.

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

Charlotte Madigan, Town Clerk