

**TOWN OF ORANGETOWN
WORKSHOP/EXECUTIVE SESSION
TUESDAY, OCTOBER 20, 2015**

This Workshop Meeting was opened at 8:00 p.m. Supervisor Stewart presided and Charlotte Madigan, Town Clerk, called the roll.

Present were: Councilman Thomas Diviny
Councilman Thomas Morr
Councilman Paul Valentine
Absent: 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
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.

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

Presentations: Daniel P. Duthie, Esq. – O & R's rate Case; capital expenditures (energy revision meters); property remediation; and street lights.
United Water's Taskforce; desalination plant; alternative water sources; rate increases; and leakage repairs.

Geraldine Tortorella - Orangeburg Commons Sewage Works Corporation

RESOLUTION NO. 459

**OPEN PH/1 YEAR CONTRACT
BLAUVELT VOLUNTEER FIRE
COMPANY/CALENDAR YEAR 2016**

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

RESOLVED, that the 8:05 pm public hearing on the proposed Contract, between the Town and the Blauvelt Volunteer Fire Department, for fire protection services in and throughout the Blauvelt Fire Protection Fire District, within the Town for 2016, is hereby opened.

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

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 10-A-15 and made a part of these minutes.

Mike Conklin, Blauvelt Volunteer Fire Company, was present.

There were no public comments.

RESOLUTION NO. 460

**CLOSE PH/1 YEAR CONTRACT
BLAUVELT VOLUNTEER FIRE
COMPANY/ CALENDAR YEAR 2016**

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

RESOLUTION NO. 460 - Continued

RESOLVED, that the public hearing, on the proposed Contract, between the Town and the Blauvelt Volunteer Fire Department, for fire protection services, for calendar year 2016, is hereby closed.

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

RESOLUTION NO. 461

**SEQRA/LEAD AGENCY/NEGATIVE
DECLARATION/BLAUVELT FIRE
COMPANY, INC/CONTRACT**

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

WHEREAS, the Town of Orangetown has within its boundaries a duly formed Fire Protection District known as the “Blauvelt Fire Protection District”, embracing territory in the Town in and about the hamlet of Blauvelt and more fully described in the Resolution establishing such District, as from time to time amended; and

WHEREAS, the Town is required to provide for fire protection services within such Fire Protection District, which services historically have been provided by contract with the Blauvelt Fire Company, Inc.; and

WHEREAS, it is proposed that the Town of Orangetown enter into a 1-year contract with the Blauvelt Volunteer Fire Company, Inc. for the furnishing of fire protection in the District, which contract is subject to review under SEQRA; and

WHEREAS, the Town Board is the only involved agency under SEQRA in the approval of such a contract,

NOW, THEREFORE, BE IT RESOLVED, as follows:

- 1) the Town Board hereby declares itself to be lead agency under SEQRA for the purpose of environmental review;
- 2) the within action is an “unlisted action” under SEQRA; and
- 3) the Town Board determines that a 1-year contract with the Blauvelt Fire Company for fire protection services to and within the Blauvelt Fire Protection District will not have a significant adverse impact on the environment, and, therefore, issues a determination of non-significance which the Supervisor is hereby authorized to execute.

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

RESOLUTION NO. 462

**APPROVE / 1-YEAR CONTRACT
FOR FIRE PROTECTION
SERVICES/BLAUVELT FIRE
COMPANY, INC.**

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

RESOLVED, that the Town Board hereby approves a 1-Year Contract with the Blauvelt Fire Company, Inc., for fire protection services in and throughout the Blauvelt Fire

RESOLUTION NO. 462 - Continued

Protection District, for calendar year 2016, in the sum of \$770,000.00, plus workers compensation insurance and otherwise in accordance with the terms of a contract incorporated herein by reference.

Ayes: Councilpersons Diviny, Morr, Valentine
Supervisor Stewart

Noes: None

Absent: Councilperson Troy

John Edwards, Town Attorney, said; "Just so everyone is clear, the policy is virtually identical to that has been on the table for quite some time. So if you are inclined to adopt it and I apologize and I apologize to the Union but the resolution that is before you, should add at the end; "subject to withdrawal of the pending grievance relating thereto. I was told by the Union that they filed a grievance to preserve their rights. I am assuming that the decision to support the policy, as it is, with a sunset provision, knowingly understanding that the Union is unhappy with it but it should be contingent upon the withdrawal of the grievance. Which I do not see is an issue, but I should of put it in there. When I circulated it, I asked that it be placed under New Business for purpose of adoption tonight. I do not know how time sensitive it is after several months but after last week and speaking with the Union (Karen), I think the agreement was he said he would try to put on to adopt. I do not know what the status of Gerry's sick time is and whether between now and next week is meaningful but

RESOLUTION NO. 463

APPROVE/SICK BANK POLICY FOR NON-POLICE EMPLOYEES

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

RESOLVED, that with the consent and approval of the CSEA, the Town Board hereby approves a Sick Bank Policy for all non-police employees, a copy of which is annexed hereto and incorporated herein by reference. Per the express terms of the Policy, the Policy shall "sunset" and be of no further force and effect, on the close of business December 31, 2016, regardless of whether a new Collective Bargaining Agreement shall have been approved and executed between the parties prior to that date, subject to withdrawal of the pending grievance relating thereto.

Ayes: Councilpersons Diviny, Valentine, Morr
Supervisor Stewart

Noes: None

Absent: Councilperson Troy

**TOWN OF ORANGETOWN
SICK BANK POLICY**

1. The Town of Orangetown recognizes that catastrophic illness and injury may exhaust an employee's available sick leave, personal days and vacation accruals, thereafter leading to significant loss of income through no fault of the employee.
2. Because of this, the Town Board hereby establishes the Town of Orangetown Sick Leave Bank (hereafter, referred to as the "Bank"), the purpose of which is to provide additional paid leave for employees who have exhausted their accrued sick and vacation leave benefits as the result of a catastrophic illness or injury. The Bank serves as a depository into which participating employees may voluntarily contribute leave for allocation to other participating employees. The purpose of the Bank is not to provide unlimited paid sick leave for any medical reason, but to alleviate the hardship caused when employees lose compensation as the result of a catastrophic illness or injury.

SICK BANK POLICY - Continued

3. Catastrophic Illness or Injury shall be defined as, "A severe medical condition which requires an employee's absence from work: for a prolonged period of time. A qualifying illness or injury might include, but is not limited to, cancer, major non-elective surgery, serious accident, heart attack, or serious complications of pregnancy. In order to be defined as catastrophic, an illness or injury must be seriously incapacitating, of extended duration) and require the services of a licensed health care provider."

II. Eligibility

1. All non-police full-time Town employees are eligible to donate to and receive leave from the Bank.
2. This policy shall not apply where an employee is unable to work due to a compensable work related injury or illness (Workers' Compensation), even where the period of full-pay provided under the existing Collective Bargaining Agreement has lapsed or is otherwise inapplicable.

III. The Sick Bank Committee

1. The Sick Leave Bank shall be administered by the Sick Bank Committee, which shall be comprised of five (5) members, each of whom shall be appointed for a term of five (5) years; provided, however, the terms of the members initially appointed shall be staggered such that one member shall serve for one year; one member shall serve for two years; one member shall serve for three years; one member shall serve for four years; and one member shall serve for five years,

2. The initially appointed Committee shall be comprised of three representatives selected by the CSEA, and two members selected by the Town Board, provided that such composition shall change on a yearly basis as the term of one member expires and a new member is appointed.

3. By way of illustration, hypothetically the within policy is adopted effective July 15, 2015. On that date, or as soon thereafter as may be practicable, the CSBA shall appoint three members whose terms shall be staggered as follows:

one member shall be appointed for a one year term, commencing on October 21, 2015, and ending on October 20, 2016;

one member shall be appointed for a three year term, commencing on October 21, 2015, and ending on October 20, 2018;

one member shall be appointed for a five year term, commencing on October 21, 2015, and ending on October 20, 2020;

4. The Town Board shall appoint two members:

one member shall be appointed for a two year term, commencing on October 21, 2015, and ending on October 20, 2017;

one member shall be appointed for a four year term, commencing on October 21, 2015, and ending on October 21, 2019;

5. Upon the expiration of the one year term of the CSEA appointee, the Town Board shall fill such vacancy with a Management appointee, such that, for the second year of the Sick Bank, Management shall have three members and the CSEA shall have two members. Appointments shall continue in such manner for the life of the Sick Bank, or unless this policy shall be changed, Decisions of the Committee shall be by a majority of the entire Committee.

6. Interim vacancies, due to resignation (from the Committee or Town employment) or the inability of an appointee to continue to serve, shall be filled by the Union or Management, as the case may be, for the duration of the resigning/retiring appointee's term.

SICK BANK POLICY – Continued

IV. The Funding and Re-funding of the Sick Bank

1. All contributions to the Sick Bank are entirely voluntary, and may be made at any time, by any employee by instruction, in writing, to the Department of Personnel with a copy to the Department of Finance. A copy of the instruction, signed by the contributing employee shall be maintained as a part of the employee's permanent Personnel file.
2. No employee shall be permitted to donate in excess of ten (10) work days, in total, in any Town fiscal year.
3. Contributions to the Bank shall be immediately debited from the donor's accrued sick leave and credited to the benefit of the Bank, not to a specific individual. Once donated, the time is no longer that of the donor, and the donor may not withdraw the contribution nor exercise any control over its use.
4. Time may be donated only in half-day increments, not in hours or in other portions of days. Once donated and made a part of the Sick Bank, all time shall have a value equivalent to one standard work day of the employee who eventually receives and uses such day as a debit from the Sick Bank, at the time of use.
5. By way of illustration: a 40-hour per week employee, with 20-years of service to the Town, in a Grade 18 position, donates one day of his/her accrued sick leave to the Sick Bank, which day is eventually made available to a 35-hour per week employee, in a Grade 8 position, having only 5-years of service. The "value" of that one Sick Bank day shall be one day of time to the receiving employee, at the receiving employee's then rate of pay, notwithstanding the greater cost to the Town were it to be retained, and used, by the donor employee. The same shall be true where the roles are reversed and the lower grade employee's contributed time is used by a higher grade employee. Stated otherwise, no adjustment shall be made for any difference in the donor employee's pay grade, years of service, length of work week, or any other factor that may distinguish the contributing and receiving employees at the time that a contribution is made to, or disbursed from, the Sick Bank. One day shall be banked as "one-day", and shall be disbursed as one-day to the receiving party, at the rate of pay of the receiving party at the time disbursed.
6. The above stated rule shall apply notwithstanding that the Town Finance records, as a matter of generally accepted accounting principles, now or in the future, *may* be required to value the Sick Bank in a different manner.
7. Any contribution made at, or in contemplation of, retirement may only be made from days accrued by the donor below the combined maximum amount that the employee may take with him or her into retirement as a cash payout or as an enhancement to retirement benefits.
8. Any contribution made: within two (2) years of retirement shall, at the time of retirement, be debited from any cash or enhanced retirement benefit that might become due at, or on account of, retirement. There effectively shall be a two (2) year "look back" period with respect to all Sick Bank contributions.

V. Those Wishing to Contribute to the Sick Bank

1. No employee may donate to the Sick Bank in an amount that will leave that employee with less than fifteen (15) days accrued sick leave.
2. No employee shall be permitted to donate in excess of ten (10) work days, in total, in any Town fiscal year.

VI. Those Requesting to Draw on the Sick Bank

1. No employee shall have a right to receive any sick leave donated to the Sick Bank. Sick Bank time shall be disbursed in an amount, if any, as determined to be appropriate by the Sick Bank Committee.

SICK BANK POLICY - Continued

2. An employee requesting time from the Sick Bank must suffer from a non-work related injury or illness that, in the judgment of a majority of the Committee, is deemed to be "catastrophic," as defined above in section I, paragraph 3. An employee requesting an award of Sick Bank time may be required to provide medical documentation of the nature of the illness or injury and the anticipated duration of the recovery and return to work. Further and/or periodic documentation may be requested by the Committee, and, if requested, must be provided.

3. The fact that the requesting employee may not have sufficient paid leave accruals to cover his or her anticipated period of absence, without more, is an insufficient basis for Sick Bank use.

4. An employee's sick leave use history may be considered as a factor in determining whether, and how much, Sick Bank time shall be awarded.

5. An employee shall not be granted Sick Bank time unless and until he or she shall first have exhausted all of his or her own sick, personal, vacation and other paid leave accruals. (In this regard, it is expressly understood that an employee making application for access to the Sick Bank need not have exhausted, or applied for and been denied, Extended Sick Leave, as provided under § 10.3 of the present CBA, as a pre-condition of eligibility for access to the Sick Bank.) Applications for Sick Bank time may be made within two weeks of the anticipated exhaustion of the employee's accruals, but Sick Bank time shall not be credited to, or used by, the requesting employee until all of the employee's then existing accruals have been exhausted.

6. The Committee shall make a determination on a request for Sick Bank time within 14 days of the filing of such request. The determination shall be in writing.

7. Any employee who may be dissatisfied with the determination of the Committee may appeal such determination to the Town Board, in writing, filed within ten (10) days of the determination.

VII. Sunset.

This policy shall expire, and be of no further force or effect, as of the close of business December 31, 2016, regardless of whether a new Collective Bargaining Agreement shall have been approved and executed between the parties prior to that date; provided, however, any sick time donated to the Sick Bank during the period of this policy that remains unused on the date of sunset shall be made a part of any future Sick Bank, when and if same shall be negotiated.

RESOLUTION NO. 464

**APPOINT/SICK BANK COMMITTEE
MANAGEMENT MEMBERS**

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

RESOLVED, that the Management appointees to the Sick Bank Committee are Donna Morrison, Human Resource Coordinator, and Jeff Bencik, Finance Director.

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

RESOLUTION NO. 465

ENTER EXECUTIVE SESSION

In attendance, at this Executive Session, were Supervisor Stewart, Councilpersons Diviny, Morr and Valentine, John Edwards, Jeff Bencik, and Aric Gorton.

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

RESOLUTION NO. 465 - Continued

RESOLVED, at 9:00 p.m., the Town Board entered Executive Session to discuss Blue Hill Golf Course RFPs. Supervisor Stewart said no further votes will be taken.

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

RESOLUTION NO. 466

RE-ENTERED WORKSHOP/ ADJOURNED

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

RESOLVED, at 9:53 p.m., the Town Board re-entered the Workshop and adjourned.

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

Charlotte Madigan, Town Clerk