

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, NOVEMBER 12, 2013**

This Town Board Meeting was opened at 7:30 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 DEME
Robert Simon, Receiver of Taxes
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks and Recreation

Paul Valentine, representing Veterans, led the Pledge of Allegiance to the Flag.

Summary of Public Comments:

Andrew Wiley, Pearl River, spoke about an incident that happened on his property. He is dissatisfied with the Police Department and he believes his rights have been violated. Ronnie Cummings, OPD, is concerned about a Police Officer working light duty. According to Orangetown's Police General Orders, he is not trained to work the desk. This could be a liability issue. Gary China, CSEA Occupational Safety & Health Specialist, spoke about unsafe conditions at the Sludge Press area that need to be addressed. Eileen Larkin, Palisades, believes voters did not have a savings dollar figure to understand the proposition regarding the elimination of the Office of the Receiver of Taxes. The Palisades Community Center is having an estate sale Saturday and Sunday, 9am – 3pm.

RESOLUTION NO. 486

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

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

Noes: None

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RESOLUTION NO. 487

AUTHORIZE PAY VOUCHERS

Supervisor Stewart offered the following resolution, which was seconded by Councilman Morr 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 \$643,834.46.

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

Noes: None

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RESOLUTION NO. 488

**POLICE REGULATION/STOP SIGN
DURYEA AND BRADL LANE/PEARL
RIVER**

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

RESOLVED, that upon recommendation of the Traffic Advisory Board, the installation of a STOP sign, at the intersection of Duryea Lane and Bradl Lane in Pearl River, as per the New York State Manual of Traffic Control Devices regulating intersections is hereby approved.

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

Noes: None

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RESOLUTION NO. 489

**RESIGNATION/TOWN CLERK'S
OFFICE/KERRI WHITE**

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

RESOLVED that the resignation of Kerri White, from the Town Clerk's Office, is hereby accepted with regret, effective November 19, 2013.

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

Noes: None

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RESOLUTION NO. 490

**APPOINT/DEPUTY TOWN CLERK
GERALDINE ORLIK**

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

RESOLVED that Geraldine Orlik is hereby appointed to the position of Deputy Town Clerk, to serve at the pleasure of the Town Clerk, at an annual salary of \$46,058.00, effective November 20, 2013.

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

Noes: None

RESOLUTION NO. 491

**AID/ PEARL RIVER ROTARY SHARE
CHRISTMAS AND HOLIDAY
PROGRAM**

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

RESOLVED that upon the recommendation of the Superintendent of Highways, the request for aid, from the Rotary Club of Pearl River, by providing the show-mobile, one message board, sound system, personnel to operate same, trash receptacles, barricades and the rental of two port-o-johns for the annual "Share Christmas and Holiday" program on Friday December 13, 2013 with a rain date of December 20th 2013 is hereby approved. The requesting organization will provide a certificate of insurance listing the Town of Orangetown as additionally insured and pay the \$350.00 rental fee.

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

Noes: None

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RESOLUTION NO. 492**CURB AND SIDEWALK CONSTRUCTION
REPLACEMENT AND REPAIR/UPSTATE
CONCRETE MASONRY CONTRACTING
CO.INC/AWARD BID**

Supervisor Stewart 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 Curb and Sidewalk Construction Replacement and Repair, which were received and publicly opened on September 26, 2013; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet are labeled Exhibit 11-A-13, and made a part of these minutes. Now, Therefore, Be It

RESOLVED that upon recommendation of the Superintendent of Highways, this bid is awarded to Upstate Concrete Masonry Contracting Co. Inc., Monroe NY, the lowest responsible bidder, for a total cost of \$35,632, as follows:

1. Removal and Replacement of Existing Concrete Curbs-Estimated Quantity 438LF @ \$24/LF=\$10,512.00 (Item #1)
2. Removal and Replacement of Existing Concrete Sidewalks Utilizing Fiber Additive-Estimated Quantity 2240SF @\$8/SF=\$17,920.00 (Item #2)
3. Removal of Existing Handicap Ramp and Installation of New Handicap Curb Ramps with "Armor Tile" Fiberglass Resin Detectable Warning Device or Equal-Estimated Quantity 6each @ \$1,200 each=\$7,200.00 (Item #5)

Work completed under this contract will be charged to Account#A.5410.457

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

Noes: None

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RESOLUTION NO. 493**OPEN PH/CONTRACT/BLAUVELT
VOLUNTEER FIRE COMPANY, INC.
FIRE PROTECTION SERVICES**

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

RESOLVED, that the 8:00 p.m. public hearing, to consider a 1-yr contract with the Blauvelt Volunteer Fire Company, Inc., to provide fire protection services, throughout the Blauvelt Fire Protection District within the Town is hereby opened.

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

Noes: None

The Town Clerk presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 11-B-13 and made a part of these minutes.

Summary of Public Comments:

Mike Mandel, Pearl River, said worker's compensation costs should be stated in their budget, sale of old trucks is revenue and taxpayers' should not be burden with their annual dinner expense.

RESOLUTION NO. 494**CONTINUE PH/1-YR CONTRACT
BLAUVELT VOLUNTEER FIRE
COMPANY, INC. FIRE PROTECTION
SERVICES**

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

Resolution No. 494 - Continued

RESOLVED, that the public hearing, to consider a 1-yr contract, with the Blauvelt Volunteer Fire Company, Inc., to provide fire protection services, throughout the Blauvelt Fire Protection District, is hereby scheduled, to continue on November 19, 2013.

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

Noes: None

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RESOLUTION NO. 495**OPEN PH/2014 PRELIMINARY BUDGET**

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

RESOLVED, that the 8:10 p.m. public hearing to consider the 2014 Preliminary Budget is hereby opened.

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

Noes: None

The Town Clerk presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 11-C-13 and made a part of these minutes.

Summary of Public Comments:

Mike Mandel, Pearl River, spoke about several budget line discrepancies and increases. He said you can not project costs or revenue on already projected numbers and check-ups should be done on employees receiving Worker's Compensation to make sure they are not working elsewhere. Eileen Larkin, Palisades, asked for the Town's 2014 Reserve amount and for the cost of health benefits. She believes health benefits should be compared to private industries benefits and the Town should look at Affordable Care packages.

RESOLUTION NO. 496**CONTINUE PH/2014 PRELIMINARY BUDGET**

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

RESOLVED, that the public hearing to consider the 2014 Preliminary Budget is hereby scheduled to continue on November 19, 2013.

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

Noes: None

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RESOLUTION NO. 497**SNOW REMOVAL/AWARD BID
HELMKE INDUSTRIES**

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

WHEREAS, the Superintendent of Parks and Recreation duly advertised for sealed bids for Snow Removal at Cortwood Village Senior Housing Complex, which were received and publicly opened on October 24, 2013; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 11-C-13, and made a part of these minutes.

NOW, THEREFORE, BE IT RESOLVED, that this bid is hereby awarded to Helmke Industries of Orangeburg, NY, the only qualified bidder.

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

Noes: None

RESOLUTION NO. 498**CHEMICALS/FERTILIZERS AWARD
BID/BLUEHILL/BROADACRES GOLF
COURSES/PARKS DEPT**

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

WHEREAS, the Superintendent of Parks and Recreation duly advertised for sealed bids for Chemical and Fertilizers for Blue Hill and Broadacres golf courses and the Parks Department, which were received and publicly opened on October 31, 2013; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 11-E-13, and made a part of these minutes.

NOW, THEREFORE, BE IT RESOLVED, that this bid is hereby awarded to the lowest, qualified bidders as follows:

1. Fert-L Soil, Scotch Plains, NJ—Item 11 totaling; \$556.00
2. Agrium Advanced Tech, North Brunswick, NJ—Items 1, 2, 3, 8, 10, 14, 17 & 23 totaling; \$45,654.38
3. Harrell's Inc., Lakeland, FL—Items 16 & 24 totaling; \$6,299.00
4. Terre Co., Clifton, NJ – Items 13, 15, 18, 25 & 26 totaling; \$29,141.25
5. Metro Turf, New Paltz, NY – Items 4, 6, 9, 12 & 19 totaling; \$26,163.00
6. Turf Products, Mountain Lakes, NJ – Item 20 totaling; \$7,910.40
7. Seeton Turf Warehouse, Mount Laurel, NJ – Items 7 & 21 totaling; \$5,385.00
8. John Deere Landscape, Cleveland, Ohio – Items 5 & 22 totaling; \$5,804.00

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

Noes: None

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RESOLUTION NO. 499**COMBINE AGENDA ITEMS**

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

RESOLVED, that agenda items 16 thru 18 are hereby combined.

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

Noes: None

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RESOLUTION NO. 500**BURD ST. DEVELOPMENT CORP
TAX CERTIORARI SETTLEMENT
66.37-2-25**

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

RESOLVED that upon the recommendation of the Town Attorney and the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign the Stipulation and Order and Judgment Reducing Assessment regarding the tax certiorari proceeding Burd St. Development Corp v. The Town of Orangetown, et al., Tax Map designation 66.37-2-25, for the tax assessment years 2009 and 2013, for a total refund by the County of \$2,792.00 a total refund by the Town of \$7,800.00 and a total refund by the School District of \$33,505.00. 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 upon the Town. Town approval is further subject to, and contingent upon, approval by the School Board of the Nyack Union Free School District.

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

Noes: None

RESOLUTION NO. 501**ALEX VURSTA/TAX CERTIORARI
SETTLEMENT/66.30-1-20**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign the Consent judgment regarding the Tax Certiorari proceeding Alex Vursta v. the Assessor et al., Tax Map designation 66.30-1-20, for the tax assessment years 2008 and 2012, for a total refund by the County of \$2,106.00, a total refund by the Town of \$6,248.00 and a total refund by the School District of \$24,534.00. 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.

Ayes: Councilpersons Diviny Troy, Morr, Valentine
Supervisor Stewart

Noes: None

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RESOLUTION NO. 502**ALEX VURSTA/TAX CERTIORARI
SETTLEMENT/60.78-1-36**

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

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign the Consent Judgment regarding the tax certiorari proceeding Alex Vursta v. The Assessor, et al., Tax Map designation 60.78-1-36, for the tax assessment years 2008 and 2012, for a total refund by the county of \$1,814.00, a total refund by the Town of \$5,750.00 and a total refund by the School District of \$24,913.00. 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.

Ayes: Councilpersons Diviny Troy, Morr, Valentine
Supervisor Stewart

Noes: None

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RESOLUTION NO. 503**AMEND RESOLUTION 414-2013
FUNDING RTE 340 SIDEWALK**

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

RESOLVED, that upon recommendation of the Superintendent of Highways and the Director of Finance, Resolution No.414-2013 (Route 340 sidewalk) is hereby amended to change the source of funding from A.5410.457 to H.5410.200.

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

Noes: None

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RESOLUTION NO. 504**ACCEPT/RECEIVE/FILE DOCUMENTS
TOWN CLERK'S OFFICE**

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

Resolution No. 504 - Continued

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

1. October 8, 2013 Regular Town Board Meeting/Audit/Executive Session minutes.
2. Employee Assistance Program Agreement, with Nyack Hospital (10/1/2013).
3. SPDES NY – 0026051; October, 2013 Monthly Report (DEME).

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

Noes: None

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RESOLUTION NO. 505**POLICE DISCIPLINARY
SETTLEMENT/EMPLOYEE NO. 1048**

Councilman Morr 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, with regard to Employee No. 1048, according to the terms of the Rockland County Police Act.

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

Noes: None

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RESOLUTION NO. 506**POLICE DISCIPLINARY
SETTLEMENT/EMPLOYEE NO. 1099**

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

RESOLVED, that the Town Board approves the settlement of an open disciplinary proceeding with regard to Employee No. 1099, according to the terms of the Rockland County Police Act.

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

Noes: None

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RESOLUTION NO. 507**ENTER EXECUTIVE SESSION
PARTICULAR LEGAL MATTER**

In attendance, at this Executive Session, were Supervisor Stewart, Councilmen Troy, Diviny, Morr and Valentine, Charlotte Madigan, John Edwards, Teresa Kenny, Jeff Bencik, Jim Dean and Joe Moran.

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

RESOLVED, that the Town Board entered Executive Session to discuss a particular legal matter, at 8:27 p.m. Supervisor Stewart said no further votes will be taken.

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

Noes: None

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RESOLUTION NO. 508

**RE-ENTER/RTBM
ADJOURNED/MEMORY**

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

RESOLVED, that the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of George Renc, World War II veteran and formerly Rockland County Finance Commissioner and Budget Director; Richard Whalen, employee Doug Sampath's father-in-law and a retired Ramapo Police Sergeant; and Al Visalli (101 yrs old), Blauvelt, formerly member of Orangetown's Zoning Board of Appeals and Republican Committee, at 9:33 p.m.

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

Noes: None

Charlotte Madigan, Town Clerk