

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, DECEMBER 4, 2012**

This Town Board Meeting was opened at 7:35 p.m. Supervisor Stewart presided and the Town Clerk called the Roll. Present were:

Councilman Denis Troy (arrived at 7:40 p.m.)  
Councilman Thomas Diviny  
Councilman Thomas Morr (arrived at 7:45 p.m.)  
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  
John Giardiello, Director of OBZPAE  
Aric Gorton, Superintendent of Parks-Rec & Building Maint.

Charlotte Madigan led the Pledge of Allegiance to the Flag.

**Summary of Public Comments:**

Scott Wheatley, works for the County as a Road Inspector and a Tappan resident, has questions regarding contamination of water. He asked if United Water is using recycled glass as back fill near water mains.

Eileen Larkin, Palisades, spoke about the importance of transparency of Town business. She asked the Town Board to give a reason when they abstain from a vote and are we paying a 4% increase to O & R.

Mike Mandel, Pearl River, believes United Water cannot be trusted and recycled glass plus other dirty ingredients as back fill are hazardous to our health. A moratorium should be put on this project until further studies have been done.

Donald Brenner, Attorney, is glad to see that Sgt. Raymond DeMeola Rd, in the Glengarry Estates, is being dedicated to the Town.

**RESOLUTION NO. 580**

**CLOSE PUBLIC COMMENTS**

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

RESOLVED, that the public portion is hereby closed.

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

Noes: None

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**RESOLUTION NO. 581**

**ADOPTED/2013 TOWN BOARD  
MEETING CALENDAR**

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

RESOLVED that the 2013 Town Board meeting calendar is hereby adopted as follows:

Reorganizational Meeting	Wednesday, January 2, 2013
RTBM/Audit	Tuesday, January 8, 2013
Police Commission/Workshop	Tuesday, January 22, 2013
RTBM/Audit	Tuesday, January 29, 2013
Police Commission/Workshop	Tuesday, February 5, 2013
RTBM/Audit	Tuesday, February 12, 2013

**Resolution No. 581 - Continued**

Workshop RTBM/Audit	Tuesday, February 19, 2013 Tuesday, February 26, 2013
Police Commission/Workshop RTBM/Audit	Tuesday, March 5, 2013 Tuesday, March 12, 2013 <b>(Tues., March 26, 1<sup>st</sup> Day of Passover)</b>
Police Commission/Workshop RTBM/Audit Workshop RTBM/Audit	Tuesday, April 2, 2013 Tuesday, April 9, 2013 Tuesday, April 16, 2013 Tuesday, April 23, 2013
Police Commission/Workshop RTBM/Audit Workshop RTBM/Audit	Tuesday, May 7, 2013 Tuesday, May 14, 2013 Tuesday, May 21, 2013 Tuesday, May 28, 2013
Police Commission/Workshop RTBM/Audit Workshop RTBM/Audit	Tuesday, June 4, 2013 Tuesday, June 11, 2013 Tuesday, June 18, 2013 Tuesday, June 25, 2013
Police Commission/Workshop RTBM/Audit	Tuesday, July 2, 2013 Tuesday, July 9, 2013
Police Commission/Workshop RTBM/Audit	Tuesday, August 6, 2013 Tuesday, August 13, 2013
Police Commission/Workshop RTBM/Audit Workshop RTBM/Audit	Tuesday, September 3, 2013 Tuesday, September 10, 2013 Tuesday, September 17, 2013 Tuesday, September 24, 2013
Police Commission/Workshop RTBM/Audit Workshop RTBM/Audit	Tuesday, October 1, 2013 Tuesday, October 8, 2013 Tuesday, October 15, 2013 Tuesday, October 22, 2013
Police Commission/Workshop  RTBM/Audit Workshop	<i>Wednesday</i> , November 6, 2013 <b>(Tuesday, November 5 Election)</b> Tuesday, November 12, 2013 Tuesday, November 19, 2013
RTBM/Audit Police Commission/Workshop RTBM/Audit	Tuesday, December 3, 2013 Tuesday, December 10, 2013 Tuesday, December 17, 2013

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

Noes: None

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**RESOLUTION NO. 582****RELEASE/PERFORMANCE  
BOND/CRESTRON ELECTRONICS  
38 RAMLAND ROAD SOUTH**

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

RESOLVED, that upon the recommendation of the Planning Board (PB#2012-41), the Town Highway Department, DEMA and the Town Attorney's Office, the Board hereby authorizes the release of the Crestron Electronics Performance Bond and Letter of Credit (#SM237757W) issued by Wells Fargo Bank, related to the 'Crestron Electronics Site Plan', at 38 (88) Ramland Road South, Orangeburg, NY, Tax Lot 77.05, Block 1 Lots 36 &37, which bond was posted by Crestron Electronics pursuant to Town Board Resolution #2010-596.

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

Noes: None

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**RESOLUTION NO. 583****ADOPT/MEMORANDUM OF  
UNDERSTANDING/NEW YORK  
SHARKS**

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

RESOLVED, that upon the recommendation of the Town Attorney, the Memorandum of Understanding between the Town of Orangetown and New York Sharks Aquatics for the year 2013 in the amount of FIFTEEN THOUSAND THREE HUNDRED FORTY-FOUR AND 59/100 (\$15,344.59) DOLLARS, is hereby approved and the Supervisor is hereby authorized to execute such Memorandum of Understanding.

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

Noes: None

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**RESOLUTION NO. 584****ACCEPT DEDICATION OF  
ROAD/GLENGARRY ESTATES  
SUBDIVISION/SGT RAYMOND  
DEMEOLA ROAD**

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

RESOLVED, that upon recommendation of the Town Attorney's Office, the Department of Environmental Management and Engineering and the Superintendent of Highways, accept for dedication as public improvements the following items as part of the Glengarry Estates Subdivision, Blauvelt, NY:

- 1) Sanitary Sewer and Drainage Easement through lots 1.6 and 1.7
- 2) Deed for "Sgt. Raymond Demeola Road"

and authorize the Town Supervisor or his designee to execute all transfer documents necessary to effectuate the acceptance of these public improvements, have same recorded with the Rockland County Clerk, and returned for filing with the Town Clerk.

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

Noes: None

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**RESOLUTION NO. 585****AWARD RFP/SIDEWALK  
SAWCUTTING PRECISION  
CONCRETE CUTTING**

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

RESOLVED, that upon the recommendation of the Superintendent of Highways, the RFP for Sidewalk Sawcutting is hereby awarded to Precision Concrete Cutting, Montgomery, New York at a cost of \$30 per in/foot, not to exceed \$35,000, the only qualified bidder to meet Town specifications. Work completed under this contract will be charged to Account #A.5410.457.

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

Noes: None

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**RESOLUTION NO. 586****SCHEDULE/PUBLIC HEARING  
AMEND CHAPTER 18, HAWKING &  
PEDDLING, OF THE TOWN CODE**

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

RESOLVED, that a public hearing is hereby scheduled on January 8, 2013 at 8:00 p.m. to amend Chapter 18, Hawking and Peddling, of the Town Code.

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

Noes: None

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**RESOLUTION NO. 587****ACCEPT/RECEIVE/FILE/DOCUMENTS  
TOWN CLERK'S OFFICE**

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

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

1. October 23, 2012 Regular Town Board Meeting/Audit/Executive Session minutes; November 1, 2012 Police Commission/Executive Session/Special Town Board/Budget Meeting minutes; and November 7, 2012 Police Commission/Executive Session/Special Town Board/Budget Meeting minutes.
2. \$1,800,000 Bond Anticipation 2012 Renewal Note Certificate, dated September 26, 2012, to pay the cost of the increase and improvement of the Sludge Tanks.

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

Noes: None

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**RESOLUTION NO. 588****HURRICANE SANDY – REQUEST  
FOR ADDITIONAL FUNDS**

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

WHEREAS, a significant storm event has resulted in damage to trees, brush and bushes, throughout the Town, requiring the removal of same, prior to the Town's annual roadside collection of leaves; and

**Resolution No. 588 - Continued**

WHEREAS, given the magnitude of the removal, the Town Highway Department does not have the manpower or equipment necessary, to provide for the timely removal and disposal of the trees and brush, in addition to the annual roadside leaf collection, and

WHEREAS, the Town has previously solicited, received and made selections from bids submitted, from private contractors for periodic work, on a per diem basis, to perform such services;

WHEREAS, the Town had retained the services of three (3) private contractors to assist with the removal of trees and brush,

WHEREAS, the quantity of trees and brush removed to date has amounted to 17,500 cubic yards with a projected 7,500 cubic yards has yet to be removed.

NOW, THEREFORE, BE IT RESOLVED, that the Superintendent of Highways retained the services of up to three (3) private contractors having adequate equipment and manpower to assist in the removal of trees and brush, at a cost not to exceed \$10,000 per day, per contractor and a total cost not to exceed \$40,000.

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

Noes: None

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**RESOLUTION NO. 589**

**AMEND RESOLUTION NO. 571/2012  
AWARD BID/CHEMICAL AND  
FERTILIZER/PARKS & RECREATION**

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

RESOLVED, that Resolution No. 571/2012 is hereby amended to read as follows:

- Fert-L Soil, Scotch Plains, NJ – Item 5 totaling \$2,375.80
- Agrium Advanced Tech, North Brunswick, NJ – Item 3 & 18 totaling \$13,922.00
- Harrell's Inc., Lakeland, FL – Items 7, 12, 16 totaling \$5,300.00
- Terre Co., Clifton, NJ – Items 1, 10, 15, totaling \$21, 506.25
- Metro Turf, New Paltz, NY – Items 4, 6, 9, 19, 26 totaling \$25,117.00
- Turf Products, Mountain Lakes, NJ – Items 13, 20, 24, 25 totaling \$20,441.40
- Matrix Turf Solutions, Warners, NY – Items 2, 8, 14, 22, 23 totaling \$21,453.78
- Seeton Turf Warehouse, Mount Laurel, NJ – Items 11, 21 totaling \$3,020.00
- John Deere Landscape, Cleveland, Ohio – Item 17 totaling \$7,816.80

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

Noes: None

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**RESOLUTION NO. 590**

**APPROVE REFUNDING BONDS  
\$1.7 MILLION/2004 VARIOUS PURPOSES**

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

RESOLVED, that the issuance pursuant to Section 90.00 or Section 90.10 of the Local Finance Law of refunding bonds of the Town of Orangetown, to be designated substantially "Public Improvement Refunding (Serial) Bonds", and providing for other matters in relation thereto and the payment of \$1.7 million bonds to be refunded is hereby authorized (Exhibit 12-A-12).

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

Noes: None

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**RESOLUTION NO. 591****APPROVE AMENDMENT TO CSEA AGREEMENT, ADDING TITLE “ASSISTANT OPERATOR GRADE 2 (WASTEWATER), WITH GRADE 3 CERTIFICATION”**

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

WHEREAS, following a review by the N.Y.S. Department of Environmental Conservation, the Town’s Wastewater Treatment Plant was re-classified from a Grade 4 to a Grade 3 Treatment Plant, as a consequence of which *Assistant* Plant Operators are required to have only a Grade 2 certification, rather than a Grade 3 certification, as formerly was the case; and

WHEREAS, the Rockland County Department of Personnel has informed the Town that, due to the plant’s reclassification, it will no longer approve the title of Assistant Operator Grade 3 (Wastewater), other than for existing employees who already have the higher level certification; and

WHEREAS, the Director of DEME has advised that, in part, because scoring for the plant is only slightly below that which would make the plant a Grade 4 facility (to which the plant could revert if there were to be a change in the applicable state regulations), and, further, because Assistant Operators who have the experience, training and demonstrated proficiency, necessary for the higher Grade 3 level certification are generally more valuable to the Town; and

WHEREAS, the Town Board wishes to provide an incentive to employees within DEME to undertake the additional training necessary to attain the higher Grade 3 certification,

NOW, THEREFORE, BE IT RESOLVED, subject to the written consent of the CSEA, the Town approves an amendment to Schedule “B-2” of the existing Agreement between the Town and the CSEA, adding the title of “Assistant Operator Grade 2 (Wastewater), with Grade 3 certification”, at a Grade 15 salary level.

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

Noes: None

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**RESOLUTION NO. 592****ENTERED AUDIT**

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

RESOLVED, that the Town Board entered the Audit Meeting at 8:30 p.m.

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

Noes: None

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**RESOLUTION NO. 593****PAY VOUCHERS**

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

RESOLVED, that the Finance Office is hereby authorized to pay vouchers for the General Fund, Town Outside Village, Blue Hill, Broadacres, Highway, Sewer, Capital Projects, Risk Retention, and Special Parking Funds in the amount of \$1,312,896.06.

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

Noes: None

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**RESOLUTION NO. 594**

**ENTER EXECUTIVE SESSION  
CONTRACT NEGOTIATIONS POLICE  
CHIEF AND CAPTAIN**

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

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

RESOLVED, that the Town Board entered Executive Session for contract negotiations regarding the Police Chief and Captain contracts, at 9:00 p.m.

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

Noes: None

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**RESOLUTION NO. 595**

**REENTERED RTBM  
ADJOURNMENT/MEMORY**

Councilman Diviny 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 Joseph V. Colello, former Orangetown Supervisor; Josephine Carella, Haverstraw Town Clerk; Patrick Joseph McKiernan, West Nyack; Verna Bryant, Tappan; and Jesse Yanko (17 yr old) South Nyack, at 11:00 p.m.

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

Noes: None

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**Charlotte Madigan, Town Clerk**