

**TOWN OF ORANGETOWN
REGULAR TOWN MEETING
Tuesday, January 15, 2019**

This meeting was opened at 7:35 p.m. Supervisor Day presided and Rosanna Sfraga, Town Clerk, called the roll. Present were:

Supervisor Chris Day
Councilman Denis Troy
Councilman Thomas Diviny
Councilman Paul Valentine

Absent: Councilman Gerald Bottari

Also present: Michael Lawler, Deputy Supervisor
Amanda Hyland, Supervisor's Confidential Assistant
Rosanna Sfraga, Town Clerk
Joseph Thomassen, Deputy Clerk
Robert Magrino, Town Attorney
Teresa Kenny, Deputy Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Jane Slavin, Director of OBZPAE
Eamon Reilly, Commissioner of DEME
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.
Anthony Bevelacqua, Director of Automated Systems

Pledge of Allegiance to the Flag of the United States of America: Esta Baitler

Orangetown Libraries Consolidation Presentation

Vicki Caramente spoke about S Orangetown libraries (Orangeburg, Tappan & Palisades) consolidating into one Library District. The needs and services have changed and this will help with budgets and keeping costs down. Their budgets will be voted on by the residents instead of the Town Board. The Town Board has to adopt a Home Rule Regulation.

Ancient Order of Hibernians, Tom Levy, thanked the Town Board and Police for their assistance during the Pearl River St. Patrick's Day Parade. He requested the same assistance during this year's parade on Sunday, March 17, 2019.

The Town Board discussed Agenda Items 1 thru 18.

Summary of Public Comments (RTBM):

Tim Brown, Tappan, complained that raising the rent at Cortwood Village is overburdening the seniors and unfair. He requested the Town Board to lower the rent.

Esta Baitler, Sparkill, is proud that she raised over \$3,000 for the Salvation Army and was able to help with staff training at Camp Venture.

Mike Mandel, Pearl River, asked what the taxpayers' Community Center Bonding will cost and how many additional employees will be needed? He suggested that the Library vote be the same as the schools' budgets vote.

RESOLUTION NO. 17

CLOSE PUBLIC COMMENT

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

RESOLVED, that the public portion is hereby closed.

Ayes: Councilpersons Troy, Valentine, Diviny
Supervisor Day

Noes: None

Absent: Councilperson Bottari

RESOLUTION NO. 18

**GRANT PERMISSION /2019
TRAINING SCHOOL AND ANNUAL
MEETING/ASSOCIATION OF TOWNS
FEBRUARY 17 - 20**

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

RESOLVED, that permission is granted to Elected Officials and Department Heads or their representatives to attend the 2019 Training School and Annual Meeting of the Association of Towns in New York City, February 17 – February 20, 2019 with the Town paying cost of courses and travel to be charged to appropriate departmental accounts.

Ayes: Councilpersons Troy, Valentine, Diviny
Supervisor Day

Noes: None

Absent: Councilperson Bottari

RESOLUTION NO. 19

**APPOINT 2019 DELEGATE
ALTERNATE DELEGATE /ROSANNA
SFRAGA / CHRIS DAY / ASSOCIATION
OF TOWNS**

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

RESOLVED, that Rosanna Sfraga, Town Clerk is hereby designated as the town delegate for the Association of Towns Meeting, February 17 - 20, 2019 with Supervisor Chris Day as the alternate delegate to represent and vote on behalf of the Town of Orangetown

Ayes: Councilpersons Diviny, Troy, Valentine
Supervisor Day

Noes: None

Absent: Councilperson Bottari

RESOLUTION NO. 20

**AWARD BID / ARCHITECTURAL
ENGINEERING AND SPACE
PLANNING SERVICES / COMMUNITY
CENTER**

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

WHEREAS, pursuant to Town Board Resolution 2018-498, the Town Board authorized the Town Clerk to issue a Request for Proposal (RFP) for Architectural Engineering and Space Planning Services, for the purpose of receiving bids to provide design plans and consultation for a proposed Orangetown Community Center, subject to final approval of appropriate Town department heads, and

WHEREAS, the Town Clerk received said proposals which were publicly opened on November 7, 2018, and

WHEREAS, the Town Board and relevant Department Heads have thoroughly reviewed the proposals and have met with certain proposers to further evaluate their proposals and interview prospective providers, and

WHEREAS, funding is pending the issuance of capital bonding; and

WHEREAS, such services are for professional services and not subject to the competitive bidding requirements of NY General Municipal Law §103,

RESOLUTION NO. 20 – Continued

NOW, THEREFORE, BE IT RESOLVED, that the Town Board has determined that H2M architects + engineers has provided the best and most desired proposed design concept, and most cost efficient proposal and hereby agrees to accept the proposal from H2M architects + engineers dated November 7, 2018, respective of the amendments/modifications to the original proposal outlined in their letters to the Town Board dated November 28, 2018 and December 14, 2018, to provide Architectural Engineering and Space Planning Services to provide design plans and consultation for the proposed Orangetown Community Center at a total cost of \$564,700.00 + \$5,000.00 in expenses, and

BE IT FURTHER RESOLVED, that the Supervisor and/or Director of OBZPAE is authorized to execute the agreement as necessary to effectuate this resolution, upon approval by the Town Attorney’s Office.

Ayes: Councilpersons Troy, Valentine, Diviny
Supervisor Day
Noes: None
Absent: Councilperson Bottari

RESOLUTION NO. 21

**SET PH DATE / AMENDING
CHAPTER 24 / "PARKING
MUNICIPAL LOTS" AND CHAPTER
26 / "PARKING METERS"**

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

RESOLVED, that the Town Board will hold a public hearing on Tuesday February 26, 2019, at 8:05 p.m., on a proposed Local Law, amending Chapter 24 of the Town Code, regarding “Parking, Municipal Lots” and Chapter 26 of the Town Code, regarding “Parking Meters”, to address parking regulations and permit parking in down town Pearl River in municipal lots and at parking meters on the street and in municipal lots.

BE IT FURTHER RESOLVED, that the Town Board hereby directs that the proposed Local Law be circulated to the following for further review and comment:

- Orangetown Planning Board
- Orangetown Zoning Board of Appeals
- Orangetown Traffic Advisory Board

Ayes: Councilpersons Valentine, Troy, Diviny
Supervisor Day
Noes: None
Absent: Councilperson Bottari

RESOLUTION NO. 22

**SET PH DATE / WATERCOURSE
DIVERSION / 60 FISHER AVE., PEARL
RIVER / 69.11-2-70**

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

WHEREAS, pursuant to Town of Orangetown Town Code § 41-2, Donald Brenner, Esq., counsel for the property owner of 60 Fisher Avenue, Pearl River, New York, has filed an application with the Town Clerk for the Town Board to issue a watercourse diversion permit for property located at 60 Fisher Avenue, Pearl River, New York, Section 69.11, Block 2, Lot 70;

WHEREAS, said watercourse diversion is also proposed in an accompanying subdivision plan application, currently pending review by the Town of Orangetown Planning Board;

RESOLUTION NO. 22 - Continued

WHEREAS, the Town of Orangetown Planning Board has already granted preliminary approval for the project (pending the Town Board’s granting the watercourse diversion permit), declared itself lead agency and issued a negative declaration on the project;

WHEREAS, said watercourse diversion has and is being reviewed and coordinated with the Town of Orangetown Highway Department, the Department of Environmental Management and Engineering (DEME), and the Office of Building, Zoning, Planning, Administration and Enforcement (OBZPAE); and

NOW THEREFORE, BE IT RESOLVED, that the watercourse diversion application from Donald Brenner, Esq., counsel for the property owner of 60 Fisher Avenue, Pearl River, New York, for property located at 60 Fisher Avenue, Pearl River, New York, Section 69.11, Block 2, Lot 70, is hereby received and referred to the Town of Orangetown Highway Department, the Department of Environmental Management and Engineering (DEME), and the Office of Building, Zoning, Planning, Administration and Enforcement (OBZPAE), all of which Departments are directed to provide letters to the Town Board prior to the public hearing on this matter, outlining their respective positions on the said watercourse diversion application; and

BE IT FURTHER RESOLVED, March 12, 2019 at 8:05 p.m. is hereby set for a public hearing to consider a watercourse diversion for property located at 60 Fischer Avenue, Pearl River, New York, Section 69.11, Block 2, Lot 70.

Ayes: Councilpersons Valentine, Troy
Supervisor Day
Noes: None
Abstain: Councilperson Diviny
Absent: Councilperson Bottari

RESOLUTION NO. 23

SEWER WORK / 2019 CERTIFICATES OF REGISTRATIONS

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

RESOLVED, that upon the recommendation of the Town Attorney and the Commissioner of the Department of Environmental Management and Engineering, a Certificate of Registration for 2019 Sewer Work is approved to:

- Dutra Excavating & Sewer, 10 Stone Hollow Road, Montvale, NJ 07645
- Environment Construction, Inc., 21 Holt Drive, Stony Point, NY 10980
- Rino Paving & Construction, Inc., 20 Viola Road, Suffern, NY 10901
- Michael Sasso Plumbing, Inc., P.O. Box 507, New City, NY 10956
- Carmelo Scaffidi & Sons Blacktopping, Inc., 34 N. Rte 9W, W. Haverstraw, NY 10993
- Kevin Stokes Excavating, Inc., P.O. Box 812, Pearl River, NY 10965-0813
- Ronald Tarigo, 5 Crosscreek Lane, Stony Point, NY 10980
- Travcon, Inc., 375 Kings Highway, Valley Cottage, NY 10989-1633

Ayes: Councilpersons Troy, Valentine, Diviny
Supervisor Day
Noes: None
Absent: Councilperson Bottari

RESOLUTION NO. 24

**RELEASE PERFORMANCE BOND
BRIGHTVIEW SENIOR LIVING SITE
PLAN**

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

RESOLUTION NO. 24 – Continued

RESOLVED, that upon the recommendation of the Town Attorney's Office and the Town of Orangetown Planning Board, authorize the release of the Performance Bond for the Brightview Senior Living Site Plan to the applicant in the amount of \$359,040.00.

Ayes: Councilpersons Troy, Valentine, Diviny
Supervisor Day
Noes: None
Absent: Councilperson Bottari

RESOLUTION NO. 25

**AUTHORIZE RATE INCREASE
CALENDAR YEAR 2019 / TOWN-
WIDE GARBAGE COLLECTION**

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

RESOLVED, pursuant to the Town of Orangetown Town Code § 17B-6.I., that upon the recommendation of the Orangetown Sanitation Commission, the following monthly rate increase is hereby approved and authorized:

<u>Year</u>	<u>Effective Date</u>	<u>Amount</u>
2019	1/1/19	\$30.00/month

Ayes: Councilpersons Diviny, Troy, Valentine
Supervisor Day
Noes: None
Absent: Councilperson Bottari

RESOLUTION NO. 26

**AMENDMENT TO TOWER LEASE
AGREEMENT / T-MOBILE
NORTHEAST LLC / 127 ROUTE 303,
ORANGEBURG**

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

WHEREAS, the Town has a Lease Agreement with T-Mobile Northeast LLC., as successor to Omnipoint Communications Inc., dated November 18, 1998, and amended on June 26, 2002, wherein T-Mobile leases space at the Telecommunications Tower at 127 Route 303 in Orangeburg, New York (the Sewer Department Tower); and

WHEREAS, pursuant to the Lease Agreement, T-Mobile is updating certain installations to include a diesel generator and associated equipment, which requires an amendment to the Lease Exhibit;

NOW THEREFORE BE IT RESOLVED, that the Town approves the Second Amendment to the Lease Agreement between the Town of Orangetown and T-Mobile, and further authorizes the Supervisor to sign said Amendment.

Ayes: Councilpersons Valentine, Troy, Diviny
Supervisor Day
Noes: None
Absent: Councilperson Bottari

RESOLUTION NO. 27

FOURTH LEASE AMENDMENT/ NEW CINGULAR WIRELESS PCS, LLC. D/B/A AT&T WIRELESS

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

WHEREAS, the Town of Orangetown has a lease agreement with Cellular Telephone Company, predecessor to New Cingular Wireless PCS, LLC. Doing business as AT&T Wireless, Inc.(hereinafter AT&T Wireless), dated August 27, 1993, as amended on November 2, 2002, October 20, 2002, and July 28, 2016, wherein AT&T Wireless leases space on the telecommunications tower owned by the Town and located at 26 Orangeburg Road, Orangeburg, New York (the Town Hall Tower); and

WHEREAS, AT&T Wireless seeks to install a concrete pad and generator at the leased Premises and has agreed to pay the Town an additional \$200.00 per month for such installations;

BE IT RESOLVED, that the Fourth Amendment to the August 28, 1992, Lease Agreement, as amended, between the Town of Orangetown and AT&T Wireless is hereby approved and that the Supervisor is authorized to execute said amendment.

Ayes: Councilpersons Troy, Valentine, Diviny
Supervisor Day
Noes: None
Absent: Councilperson Bottari

RESOLUTION NO. 28

ADVERTISEMENT / SOLICIT OF BIDS TOWN-WIDE SERVICE / COLLECTION, TRANSPORTATION AND DISPOSAL OF RESIDENTIAL RECYCLABLES

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

RESOLVED, that the Town Clerk in cooperation with the Superintendent of Highways is authorized to advertise to solicit bids for the collection, transportation and disposal of residential recyclables within the unincorporated Town of Orangetown in accordance with the requirements of General Municipal Law §103 and the Town Code Chapter 1A.

Ayes: Councilpersons Valentine, Troy, Diviny
Supervisor Day
Noes: None
Absent: Councilperson Bottari

RESOLUTION NO. 29

MEMORANDUM OF UNDERSTANDING / COUNTY OF ROCKLAND / ROCKLAND COUNTY INTELLIGENCE CENTER (“RCIC”), INCLUDING THE ASSIGNMENT OF ONE TOWN POLICE OFFICER

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

WHEREAS, the County of Rockland, through the Office of the Rockland County Sheriff, has established the ROCKLAND COUNTY INTELLIGENCE CENTER (“RCIC”), with the intent to provide law enforcement agencies in the county with their criminal intelligence requirements/assessments through the collection and handling of information, using proper investigative and intelligence gathering practices, in cooperation with local law police departments; and

RESOLUTION NO. 29 - Continued

WHEREAS, the Town of Orangetown, for many years, has participated with the Rockland Sheriff's Department and other local law enforcement agencies in similar such ventures, including the Rockland County Regional Investigative Resource Center (RIRC); and

WHEREAS, the Town Board, in consultation Chief of Police, has determined that it is in the best interests of the Town Orangetown to continue to participate with the County of Rockland and other local police departments in this important venture; and

WHEREAS, General Municipal Law Article 5-G expressly authorizes municipal governments to perform together that which each such government individually is authorized to perform by means of an inter-municipal agreement,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves a certain Memorandum of Understanding ("MOU") by and between the County of Rockland and the Town of Orangetown, which MOU was previously approved by Resolution 565 of 2018 of the Rockland County Legislature, pursuant to which the Town agrees to participate in the RCIC in accordance with the terms of the said MOU, for the period January 1, 2018 thru December 31, 2023, with the option to renew for five additional one year terms, and with the further understanding that such MOU may be terminated by either party on 60 days written notice pursuant to Paragraph 11 thereof; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to sign such MOU and to take further steps as may be necessary to effectuate its terms.

Ayes: Councilpersons Diviny, Troy, Valentine
Supervisor Day
Noes: None
Absent: Councilperson Bottari

RESOLUTION NO. 30

**AGREEMENT/ ROCKLAND COUNTY
REIMBURSEMENT OF THE COSTS
OF LAW ENFORCEMENT OVERTIME
COUNTER- TERRORISM TRAINING**

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

WHEREAS, Rockland County, in an effort to provide financial assistance to local law enforcement and make a disbursement of grant funds from the LETPP and SHSP grants to the Town for law enforcement purposes only, and

WHEREAS, the County of Rockland has agreed to reimburse the Town of Orangetown for the cost of law enforcement overtime for counter-terrorism training, and

WHEREAS, the County of Rockland, pursuant to its Resolution No. 353 of 2016 has agreed to recommend to the County Executive to approve the aforesaid Intermunicipal Agreement and to reimburse the Town of Orangetown in the amount of \$32,133.00 for the above referenced overtime related to counter-terrorism training for the period covering September 1, 2016 through August 31, 2017, and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipal governments to perform together that which each government is authorized to perform individually and requires that any inter-municipal agreement be approved by each participating municipal corporation by a majority vote of its governing body, and

WHEREAS, the Town Board finds and determines that such agreement and reimbursement for training is in the best interests of the good and welfare of the Town in the operations of its governmental functions,

RESOLUTION NO. 30 - Continued

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby approves entering into the Inter-municipal Agreement between the Town of Orangetown and County of Rockland as set forth in the County's Resolution No 353 of 2016 with respect to the reimbursement of the sum of \$32, 133.00 for overtime costs incurred for counter-terrorism training, and authorizes the Supervisor to execute the aforesaid Inter-municipal Agreement and any and all documents necessary to effectuate same.

Ayes: Councilpersons Diviny, Troy, Valentine
Supervisor Day
Noes: None
Absent: Councilperson Bottari

RESOLUTION NO. 31

**PERMISSION GRANTED / P.O. LOPEZ
NEW YORK D.A.R.E. OFFICER
TRAINING SCHOOL**

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

RESOLVED, that the Police Department is hereby authorized to send P.O.Amaury Lopez to New York D.A.R.E. Officer Training School January 14, 2019 - January 25, 2019. The total cost is \$1,100.00 to be paid out of the seizure fund.

Ayes: Councilpersons Valentine, Troy, Diviny
Supervisor Day
Noes: None
Absent: Councilperson Bottari

RESOLUTION NO. 32

**CARETAKER AGREEMENT / 2019
NIKE PARK / THOMAS IACOBELLIS**

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

RESOLVED, that the caretaker agreement for the property located at 1 Nike Lane, Orangeburg, New York (Nike Park), with a TWO (2%) PERCENT increase, for a term from January 1, 2019 through December 31, 2019, between the Town and THOMAS IACOBELLIS is hereby approved and the Supervisor is hereby authorized to sign same.

Ayes: Councilpersons Troy, Valentine, Diviny
Supervisor Day
Noes: None
Absent: Councilperson Bottari

RESOLUTION NO. 33

**ACCEPT DONATION / MEMORIAL
BENCH / JIMMY HAUBURGER**

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

RESOLVED, that the Town Board hereby accepts with gratitude the donation of a Memorial Bench to be placed in a location to be determined. The inscription upon the bench will read: "In Memory of Jimmy Hauburger. Jimmy Hauburger Memorial Foundation."

Ayes: Councilpersons Diviny, Valentine, Troy
Supervisor Day
Noes: None
Absent: Councilperson Bottari

RESOLUTION NO. 34

**2018 CURED IN PLACE PIPE LINING
JEFFERSON AVE / PEARL RIVER**

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

RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby authorizes the Highway Department to utilize the process of cured in place pipe lining via Ultra Violet cured lining with grid foil to prevent liner from over stretch due to deterioration voids.

Ayes: Councilpersons Valentine, Troy, Diviny
Supervisor Day
Noes: None
Absent: Councilperson Bottari

RESOLUTION NO. 35

PAY VOUCHERS

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

RESOLVED, upon the recommendation of the Finance Director, Jeff Bencik, the Finance Office is hereby authorized to pay vouchers for a total amount of five (5) warrants for a total of \$1,691,461.20

Ayes: Councilpersons Diviny, Valentine, Troy
Supervisor Day
Noes: None
Absent: Councilperson Bottari

RESOLUTION NO. 36

ENTER EXECUTIVE SESSION

In attendance, at this Executive Session, were Supervisor Day, Councilpersons Troy, Diviny and Valentine, Robert Magrino, Teresa Kenny and Jeff Bencik.

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

RESOLVED, at 8:50 p.m. the Town Board entered Executive Session to discuss particular litigation matters, land sales and personnel matters.

Ayes: Supervisor Day
Councilpersons Valentine, Troy, Diviny
Noes: None
Absent: Councilman Bottari

RESOLUTION NO. 37

RE-ENTERED RTBM/ADJOURNED

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

RESOLVED, at 9:30 pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of Thomas J.Reilly, Pearl River and Catherine Higgins, Sparkill.

Ayes: Councilpersons Troy, Valentine, Diviny
Supervisor Day
Noes: None
Absent: Councilman Bottari

Rosanna Sfraga, Town Clerk