

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, MARCH 12, 2019**

This meeting was opened at 7:48 p.m. Supervisor Day presided and Rosanna Sfraga, Town Clerk, called the roll. Present were:

Councilman Denis Troy
Councilman Thomas Diviny
Councilman Paul Valentine
Councilman Gerald Bottari
Supervisor Christopher Day

Also present: Michael Lawler, Deputy Supervisor
Amanda Hyland, Supervisor's Confidential Assistant
Greg Garvey, Coordinator Economic Development / Filming
Rosanna Sfraga, Town Clerk
Robert Magrino, Town Attorney
Teresa Kenny, Deputy Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Rick Oliver, Deputy Director of OBZPAE
Eamon Reilly, Commissioner of DEME
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.
Donna Morrison, Human Resource Coordinator
Anthony Bevelacqua, Director of Automated Systems
Kevin Nulty, Police Chief
Donald Butterworth, Police Captain
James Brown, Police Captain

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

Youth Court Graduation took place prior to this Town Board meeting. Orangetown Youth Court motto is "Stand up for what is right, even if you are standing alone". It gives its youth members' integrity, personal strength and confidentiality qualities. They learn various talents, along with accountability and responsibility from Marianne Walker, Esq., John McGowan, Esq., Detective Brandon Meyers and their Steering Committee (Zoe Bourne, Julia Butterworth, Siobhan Dillon, Valerie Ramsay, Daniel Russo and Colleen Shortell). The Town Board congratulated the graduates and their families. The graduates: Matthew Butterworth, Emma Carroll, Brigitte Collins, Gianamarie DeCicco, Lauren Dennis, Matthew Dennis, Katelyn Donovan, Michael Donovan, Noah Drivas, James Fanshawe, Olivia Greenan, Wolfgang Haderler, Zoe Howard, Mariam Levesque, Vincent Lablanco, Annalyn Maher, Aleeza Mansoor, Grace McLinskey, Aidan Mercer, Ronan Mercer, Hadiya Qazi, Hayden Roimisher, Riley Roimisher, Thomas Saparata, Amanda Simon, Kavitha Sriskanda, and Katherine Sullivan.

ANNOUNCEMENTS :

6th Annual Special Olympics Bombers Game at Pearl River High School, BOCES Bombers vs. Venture Suns, Wednesday, March 13, 2019 at 6:15 pm.

March 17, 2019, 1:30 pm – St. Patrick's Day Parade, Pearl River

Paper Shredding Event, Saturday, April 13th, from 8:00 am – 12 Noon, Orangetown Town Hall Parking Lot. Please bring non-perishable food donations for local pantries.

Camp Shanks Legacy Exhibit, (tells the story of the camp and how it indelibly affected the development of the Town of Orangetown) opens at the Orangetown's Museum: Opening reception April 13th, Saturday, from 2 pm to 4pm at the Depew House, 196 Chief Bill Harris Way, Orangeburg, NY, sponsored by the Orangetown Museum and Archives (Tuesdays & Fridays, 10am – 2pm; Sundays 1pm – 4 pm) All are welcome. Admission is free.

PRESENTATIONS:

- Hibernian Pipe Band
- Proclamations for Irish Cultural Heritage Month / Honoring Heather Bowie, Megan Leavey, Joan Moore, Daniel Donohue and Edmond O’Dea
- Proclamation for Women’s History Month, March 8-14, 2019 / Honoring Sr. Michaela Connolly, OP and Sister Mary Flood, OP of the Dominican Sisters of Blauvelt and Sr. Mary Murray, OP and Sr. Eileen Gannon, OP of the Dominican Sisters of Sparkill.
- Frank Phillips (Phillips & Millman) re: Bieber Zone Change Petition

RESOLUTION NO. 127

**OPEN PH / WATERCOURSE
DIVERSION / 60 FISHER AVENUE,
PEARL RIVER**

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

RESOLVED, the public hearing to consider the Watercourse Diversion application from Donald Brenner, Esq., counsel for the property owner of 60 Fisher Avenue, Pearl River, New York, Section 68.11, Block 2, Lot 70, is hereby opened.

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

Rosanna Sfraga, Town Clerk, presented the Affidavit of Publication and the Notice of Posting (Exhibit 03-A-19).

Summary of Public Comments: There were no comments from the public.

RESOLUTION NO. 128

**CLOSE PH / WATERCOURSE
DIVERSION / 60 FISHER AVENUE,
PEARL RIVER**

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

RESOLVED, the public hearing to consider the Watercourse Diversion application from Donald Brenner, Esq., counsel for the property owner of 60 Fisher Avenue, Pearl River, New York, Section 68.11, Block 2, Lot 70, is hereby closed.

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

RESOLUTION NO. 129

**APPROVE / WATERCOURSE
DIVERSION / 60 FISHER AVENUE,
PEARL RIVER**

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

WHEREAS, on June 27, 2018, the Planning Board conducted a public hearing and declared itself lead agency relating to the applicant’s subdivision plan application, PB #16-73, for which this watercourse diversion permit application is related, and issued a negative declaration, and further granted preliminary approval, conditioned on the Town Board granting the instant permit for the watercourse diversion;

RESOLUTION NO. 129 - Continued

NOW THEREFORE, BE IT RESOLVED, the request from Donald Brenner, Esq., counsel for the property owner of 60 Fisher Avenue, Pearl River, New York, Section 68.11, Block 2, Lot 70, for the proposed watercourse diversion permit is hereby approved, subject to approval from the Orangetown Highway Department and DEME.

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

DISCUSSION:

The Town Board discussed all of the items on the agenda.

RESOLUTION NO. 130

OPEN PUBLIC COMMENT PORTION

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

RESOLVED, that the public portion is hereby opened.

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

Summary of Public Comments:

Esta Baitler, Sparkill, asked that the Town Board members march with Venture at the St Patrick's Day parade and asked everyone to watch the Special Olympics BOMBERS Game. Jen Mooney and Susan & Phil Finke, Orangeburg, asked why did the owner of 20 cats on Wisteria Ct get a court date extension. The cats are a health hazard and ruining the quality of life in that neighborhood.

Allyson Sullivan, Blauvelt, said odors are still occurring from Aluf. She asked has Aluf abided by the DEC Permit condition of installing scrubbers to control the odors.

Andrew Wiley, Pearl River, asked why didn't the Town approve the Governor's option to extend the tax payment due date. Why does Orangetown pay a higher County rate than the other towns?

RESOLUTION NO. 131

CLOSE PUBLIC COMMENT PORTION

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

RESOLVED, that the public portion is hereby closed.

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

RESOLUTION NO. 132

**SET PUBLIC HEARING / PROPOSED
ZONE CHANGE / 576 ROUTE 303 AND
ADJOINING PROPERTIES**

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

RESOLVED, that the Town Board will hold a public hearing on April 30, 2019 at 8:05 p.m., on a proposed Local Law, as follows, amending Chapter 43, § 2.2, establishing the Town Zoning Map, to change the zoning district of the parcels known as:

Tax Lot Section 70.14 Block 4 Lot 14 at 578 Route 393 Blauvelt, NY

RESOLUTION NO. 132 - Continued

Tax Lot Section 70.14 Block 4 Lot 19 at 568 Route 303 Blauvelt, NY
Tax Lot Section 70.14 Block 4 Lot 17 at 572 Route 303 Blauvelt, NY
Tax Lot Section 70.14 Block 4 Lot 16 at 574 Route 303 Blauvelt, NY

From “LO” (Laboratory-Office) to “CC” (Retail-Commerce).

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

RESOLUTION NO. 133

**APPROVE / RETAINER OF CBRE,
INC. / APPRAISAL OF PFIZER, INC.
PROPERTY / TAX YEARS 2016-2018**

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

WHEREAS, Pfizer, Inc. has commenced several actions against the Assessor of the Town of Orangetown challenging its tax assessment under Article 7 of the Real Property Tax Law, for the years 2016, 2017 and 2018, which actions are currently pending in the Supreme Court, Rockland County and identified by Index Numbers 2016-033082, 2017-033458 and 2018-034523; and

WHEREAS, in order to properly address these actions the Town and the Nanuet Union Free School District, which will be affected by any change in assessment, have determined that it is necessary and in the best interests of the Town and School District for the parties to retain the services of a professional appraiser, and

WHEREAS, the Nanuet Union Free School District having undertaken to advertise a Request for Proposals from professional and qualified appraisers, and having reviewed a proposal by Webster Collins of CBRE, Inc. to provide services as outlined in its bid dated January 4, 2019 and having determined they have the requisite knowledge, experience and qualifications required of an appraiser to provide services as necessary with respect to the above referenced actions at a cost of \$99,000.00, and the Town having reviewed the proposal and determining that the retention Webster Collins of CBRE, Inc. is in the best interests of the Town for these matters, and

WHEREAS, the Town Board has determined that the cost to retain the appraiser will be shared by the Town at the proportional share based upon the effect any determination regarding the tax assessment will have on each assessing unit of 35% for the Town, with the balance of 65% to be paid by the Nanuet Union Free School District,

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby acknowledges that the Nanuet Union Free School District will retain CBRE, Inc. to provide appraisal services for use by the Respondents in the above referenced actions, and that the Town hereby agrees to share in the cost of the services of CBRE, Inc. as set forth in its bid proposal dated January 4, 2019, at the Town’s proportional share of 35%, with the balance of 65% to be paid by the Nanuet Union Free School District, and

BE IT FURTHER RESOLVED, that the funds to necessary to make payment shall be made from the appropriate accounts as determined by the Director of Finance, and the Supervisor or his designee is authorized to sign any and all documents necessary to effectuate the terms of this resolution.

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

RESOLUTION NO. 134

**MEMORIALIZING RESOLUTION
REQUESTING REINSTATEMENT
OF STATE FUNDING / DWYER
PROGRAM / PEER TO PEER
PROGRAM AIDING VETERANS
FACING PTSD / FY 2019-2020
BUDGET**

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

WHEREAS, the Executive Budget eliminated the approximately \$3.7 million program and the return on investment for this tiny portion of the state's overall budget has made a lasting and major impact in the lives of veterans who are at-risk while providing support to family members of those who have served; and

WHEREAS, the Dwyer Program is a free peer-to-peer program for veterans facing the challenges of Post-Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury, is confidential and available to all veterans regardless of discharge status or time of service; and

WHEREAS, the Rockland County Dwyer Program utilizes a Military Behavioral Health Training Program to train Peer Veterans in cultural competency, proper development of the peer relationship and to become familiar with community resources and supports. Veteran Peer Mentors are matched with a veteran to provide non-therapeutic support and guidance to address a wide range of issues, from curbing addiction to job and housing placement; and

WHEREAS, the Program also sponsors a number of programs for veterans, such as art and writing workshops, weekly yoga, monthly socials and others that bring together those who served; and

WHEREAS, here in Rockland, the Dwyer Program is administered by BRIDGES, a not-for-profit organization dedicated to advocacy and leadership on behalf of people with disabilities; and

WHEREAS, through its Program Coordinator and four (4) Outreach Coordinators, the Program has acquired many local partners who speak about the Program locally to Veteran organizations, non-profit organizations, colleges and other community-based organizations; and

WHEREAS, the Program's administrator, Lorraine Greenwell, is one of the three co-chairs for the Rockland County Veteran Task Force, whose mission is to highlight issues of importance to veterans and seek solutions to problems brought to the table. The Program works closely with the National Alliance for Mental Illness' Homefront for Veterans program; and

WHEREAS, the Program is important to Rockland County and continued funding is necessary to support the Veterans in our community; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby respectfully requests that the governor's office and the members of the Senate and Assembly restore this funding for this Program in the final FY 2019-2020 budget; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to send a copy of this resolution to the Hon. Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, New York State Assemblywoman Hon. Ellen C. Jaffee, and to such other persons as the Clerk, in her discretion, may deem proper in order to effectuate the purpose of this resolution.

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

RESOLUTION NO. 135

APPROVE / ENVIRONMENTAL CONSULTING AND MANAGEMENT SERVICES / ASBESTOS TESTING AND ABATEMENT / ABANDONED HOMES / 108-110 CHIEF BILL HARRIS WAY

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

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, Aric Gorton, the Town Board hereby approves the proposed agreement dated February 10, 2019 with Environmental Consulting and Management Services for their performance of an asbestos demolition assessment of the abandoned vacant buildings at 108-110 Chief Bill Harris Way, Orangeburg, NY 10962 for the purpose of identifying asbestos containing materials, followed by the any required abatement including providing a written scope of work for bidding and overseeing the abatement including on-site air monitoring and hygienist/project management services (if necessary) followed by demolition of the structures at a cost of \$4,500.00 to the town, which is to be paid from Account #1620.457.

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

RESOLUTION NO. 136

APPROVE / RETAINER OF DICHTER LAW LLC FOR JOINT REPRESENTATION OF TOWN'S INTERESTS BEFORE PUBLIC SERVICE COMMISSION / 2019 SUEZ RATE CASE

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

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to execute an Engagement Letter with Dichter Law LLC, in a form to be approved by the Town Attorney, pursuant to which the Town of Orangetown will share proportionately with other Rockland County towns and municipal entities (based on population) in the cost of legal representation by the Dichter law firm before the N.Y.S. Public Service Commission, contesting the magnitude of the proposed rate increase sought by Suez Water New York. The cost to the Town, as authorized by this resolution, shall not exceed \$12,000.00.

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

RESOLUTION NO. 137

MEMORIALIZING RESOLUTION CONDEMNING ANTI-SEMITISM

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

WHEREAS, U.S. Representative Ilhan Omar has recently made anti-Semitic statements regarding the influence of Jewish money in support of the State of Israel, and

WHEREAS, Rep. Omar has made additional anti-Semitic statements regarding the divided loyalties and allegiance of American Jews who support the State of Israel, and

WHEREAS, Israel is the only democratic nation in the Middle East and is and always has been a strong ally of the United States and shares the values which all Americans cherish, and

RESOLUTION NO. 137 - Continued

WHEREAS, regardless of these facts, Rep. Omar is free to criticize the State of Israel, however, she is not free to attack those who support Israel, and

WHEREAS, these attacks are a case study of insidious anti-Jewish bigotry and must not be tolerated, and

WHEREAS, the US House of Representatives has passed a broad non-specific resolution condemning all hate speech, and by not specifically condemning her for these statements, ideas once thought of as intellectually uncouth and morally repulsive have suddenly become merely controversial. It's how anti-Zionism has abruptly become an acceptable point of view in reputable circles, and

WHEREAS, the people of the Town of Orangetown believe that Rep. Omar's anti-Semitic statements must be specifically renounced,

NOW, THEREFORE BE IT RESOLVED, that a letter be sent to Congresswoman Nita Lowey, Senator Kirsten Gillibrand, Senator Charles Schumer, and Congressman Sean Patrick Maloney requesting that the House of Representatives censure Rep. Ilhan Omar for her anti-Semitic statements and that she be immediately removed from her position on the House Committee on Foreign Affairs.

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

RESOLUTION NO. 138

APPROVAL / 2019 CERTIFICATE OF SEWER REGISTRATION

Councilman Valentine offered the following resolution, which was seconded by Councilman Troy 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 the following companies:

- RR Plumbing Services Corp. d/b/a Roto-Rooter, 525 Waverly Avenue, Mamaroneck, NY 10543
- Belleville Landscaping, Inc., 84 North Route 9W, Congers, NY 10920

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

RESOLUTION NO. 139

ACCEPT, RECEIVE AND FILE PERFORMANCE BOND / GRIFFIN SITE PLAN

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

WHEREAS, Griff Construction LLC as developer of certain property located at 27 Sunrise Lane, Pearl River, New York (Tax Lot 69.18, Block 3, Lot 43.2) applied for and received final site plan approval from the Town of Orangetown Planning Board for said property pursuant to Planning Board decisions #18-51 and #19-06 for the project known as "Griffin Site Plan – Lot #2;" and

WHEREAS, pursuant to the aforesaid approvals, the Planning Board required that the applicant post a Performance Bond in the amount of \$45,240.00 to ensure the construction and completion of certain public improvements pursuant to the aforesaid approvals; and

WHEREAS, the applicant has submitted a fully executed Performance Bond dated January 29, 2019, issued by Capitol Indemnity Corporation as Surety, on behalf of Griff Construction LLC, as principal, in the amount of \$45,240.00 naming the Town of Orangetown

RESOLUTION NO. 139 - Continued

as beneficiary, to insure the completion of public improvements associated with the “Griffin Site Plan – Lot #2,” which Performance Bond has been approved as to form and substance by the Town Attorney’s Office.

NOW THEREFORE BE IT RESOLVED, that the Town hereby formally accepts, receives and files with the Office of the Town Clerk a Performance Bond dated January 29, 2019 issued by Capitol Indemnity Corporation as Surety, on behalf of Griff Construction LLC, as principal, in the amount of \$45,240.00 naming the Town of Orangetown as beneficiary, to insure the completion of public improvements associated with the “Griffin Site Plan – Lot #2” no later than January 23, 2021 and said bond to be returned only upon satisfactory completion of said public improvements according to the terms of said Bond and Planning Board decisions #18-51 and #19-06, any Town departments having jurisdiction thereof, and formal resolution of the Town Board.

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

RESOLUTION NO. 140

**APPROVE SUMMER HOURS / OBZPAE
APRIL 15 - OCTOBER 18, 2019**

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

RESOLVED, upon the recommendation of the Director of OBZPAE, the Town Board hereby approves a change to the basic work week for the employees of OBZPAE, from Monday to Friday, 8 am to 4 pm, to a four day work week (Monday to Thursday/Tuesday to Friday), 7:30 am to 5:15 pm. This flexible work schedule shall be in place from Monday April 15, 2019 to Friday October 18, 2019. In accordance with Section 5.1.2 of the Collective Bargaining Agreement, the Town Board has the sole responsibility for establishing flexible hour schedules.

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

RESOLUTION NO. 141

**GRANT PERMISSION / DIRECTOR
OF OBZPAE / ATTEND MANAGING
FLOODPLAIN DEVELOPMENT
TRAINING**

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

RESOLVED, that upon Town Board approval, that permission is hereby granted to OBZPAE Director, Jane Slavin, to attend Managing Floodplain Development through the NFIP being held on March 11-15, 2019 at the NY State Preparedness Training Center, 5900 Airport Road, Oriskany, NY 13424.at a cost of \$850.00 for lodging, membership, conference fees and travel expenses, charged to Account No. B3620.441.17.

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

RESOLUTION NO. 142

**GRANT PERMISSION / DET.
DOMITROVITS AND DET.
MADDALENA / ATTEND
PROPERTY/EVIDENCE ROOM
MANAGEMENT COURSE**

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

RESOLUTION NO. 142 - Continued

RESOLVED, that upon the recommendation of the Chief of Police, the Town Board hereby approves Detective Domitrovits and Detective Maddalena to attend the Property/Evidence Room Management Course in Onondaga County NY May 2-3, 2019, at a combined cost of \$415.00 for lodging, meals and travel to be charged to the Police Department's Schools and Conferences account (B.3120.441.16).

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

RESOLUTION NO. 143

ACCEPT PROPOSAL / BROOKER ENGINEERING / PROFESSIONAL SERVICES / SITE PLAN AND IMPROVEMENT STUDY / OLD MIDDLETOWN ROAD, PEARL RIVER

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

RESOLVED, the Town Board hereby agrees to accept the proposal from Brooker Engineering, PLLC, dated February 7, 2019, to provide professional services to perform a Site Plan and Road Improvement Study for Old Middletown Road, Pearl River, in the amount of \$5,000.00.

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

RESOLUTION NO. 144

ACCEPT PROPOSAL / MASER CONSULTING, P.A. / PROFESSIONAL SERVICES / POTENTIAL IMPROVEMENTS / MODIFYING VEHICLE CIRCULATION, PEDESTRIAN SAFETY AND TAXI OPERATIONS / RAILROAD AVENUE, PEARL RIVER TRAIN STATION

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

RESOLVED, that upon the recommendation of the Superintendent of Highways, the Town Board hereby agrees to accept the proposal from Maser Consulting, P.A., dated January 30, 2019, to provide professional services for the examination of the potential for improving/modifying vehicle circulation, pedestrian safety and taxi operations on Railroad Avenue at the Pearl River Train Station, in the amount of \$14,550.00.

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

RESOLUTION NO. 145

APPROVE AGREEMENT / HVAC CONTROL SYSTEM UPGRADE RICHMAR CONTROLS / TOWN HALL BUILDING

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

RESOLUTION NO. 145 - Continued

RESOLVED, upon the recommendation of the Superintendent of Parks and Recreation, the Town Board hereby approves the agreement with Richmar Controls, Yonkers, NY in the amount of \$17,400.00 for the upgrade of the HVAC control system including computer, software, control components and staff training.

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

RESOLUTION NO. 146

**INCREASE CONTRACT AMOUNT
PLAYGROUND REPLACEMENTS
CHERRY BROOK, STOUGHTON AND
SPARKILL PARKS**

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

RESOLVED, upon the recommendation of the Superintendent of Parks and Recreation, the town board hereby approves an increase in the contract amount for the replacement of the Cherry Brook Park, Stoughton Park and Sparkill Park playgrounds with Pettinelli Recreation/Miracle Recreation as per NJPA Contract #030117-LTS from an amount not to exceed \$165,000.00 to an amount not to exceed \$315,000.00 for upgrades to playground surfacing materials.

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

RESOLUTION NO. 147

**APPROVE / INSTALLATION OF
STREET LIGHT / CORNER OF
PARKWAY DRIVE SOUTH /
DUTCH HILL ROAD**

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

RESOLVED, that upon the recommendation of the Traffic Advisory Board, the installation of a street light at the corner of Parkway Drive South and Dutch Hill Road (utility pole #60411 38181) is hereby approved to be paid from the following budget line item B.5182,455.17.

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

RESOLUTION NO. 148

**APPROVE / INSTALLATION OF
STREET LIGHT / WESTERN SIDE OF
CROSSWALK / RT. 340 / ST.
THOMAS AQUINAS COLLEGE**

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

RESOLVED, that upon the recommendation of the Traffic Advisory Board, the installation of a street light on the western side of crosswalk on Rt. 340 at St. Thomas Aquinas College (utility pole #60411 38181) is hereby approved to be paid from the following budget line item B.5182,455.17.

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

RESOLUTION NO. 149

**APPROVE / INSTALLATION OF
STREET LIGHT / RT. 303 AND
STEVENS WAY**

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

RESOLVED, that upon the recommendation of the Traffic Advisory Board, the installation of a street light at the corner of rte. 303 and Stevens Way is hereby approved to be paid from the following budget line item B.5182,455.17.

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

RESOLUTION NO. 150

PAY VOUCHERS

Councilman Diviny offered the following resolution, which was seconded by Councilman Bottari 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 four (4) warrants for a total of \$ 897,822.37.

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

RESOLUTION NO. 151

**ENTER EXECUTIVE SESSION
PERSONNEL & LEGAL MATTERS
LAND SALE**

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

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

RESOLVED, at 9:20 p.m. the Town Board entered Executive Session to discuss particular personnel matters and a particular land sale.

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

RESOLUTION NO. 152

RE-ENTER RTBM

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

RESOLVED, at 9:50 pm, the Town Board re-entered the Regular Town Board Meeting.

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

RESOLUTION NO. 153

**ACCEPT THE DETERMINATION OF
THE SUPERINTENDENT OF
HIGHWAY / TERMINATE
EMPLOYEE NO. 3400 EFFECTIVE
MARCH 22, 2019 SUBJECT TO
REINSTATEMENT**

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

WHEREAS, Employee No. 3400 suffered work related injury on December 11, 2017, and has been separated from service and unable to perform the duties of his position for the Town of Orangetown for a period in excess of one year by reason of a disability resulting from an occupational injury, as defined in the New York State Workers' Compensation law; and

WHEREAS, by letter dated February 25, 2019, Employee No 3400 was notified that the Superintendent of Highways, as appointing authority, intended to meet on March 11, 2019, to consider the nature and status of his injury, inviting Employee No. 3400 to appear and to provide medical documentation, testimony or any other information or documentation he deemed relevant for the Superintendent to consider prior to rendering his determination pursuant to Section 71 of the Civil Service Law; and

WHEREAS, on March 11, 2019, the Superintendent of Highways met with the Employee, together with a CSEA Labor Specialist and CSEA Employee Representative, and considered the nature and present status of his injury, at which time the Employee was unable to tell when, if ever, he would be able to return to work capable of performing the duties of his position; and

WHEREAS, the Town Board has been informed that even during the intermittent days when the Employee did return to work following the occurrence of his work related injury, he was limited in the tasks he was able to perform, never being able to fully perform the duties of his position;

NOW THEREFORE, BE IT RESOLVED, that the Town Board accepts the determination of the Superintendent of Highways to terminate Employee No.3400 from employment with the Town of Orangetown, effective March 22, 2019, pursuant to Section 71 of the Civil Service Law, subject to reinstatement rights provided for therein and provided further that this determination will not alter or affect any benefit to which the employee is entitled under the provisions of the New York State Workers' Compensation laws.

Ayes: Councilpersons Valentine, Troy, Diviny, Bottari
Supervisor Day

Noes: None

RESOLUTION NO. 154

**ACCEPT THE DETERMINATION OF
THE SUPERINTENDENT OF
HIGHWAY / TERMINATE
FURTHER LEAVE WITH PAY
EMPLOYEE NO. 3489**

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

WHEREAS, Article 10 of the Labor Agreement between the Town and the Local CSEA provides that a covered employee who suffers a compensable work related injury or illness shall be entitled to leave with full pay for the entire period of his or her absence (§ 10.1.1), provided, however, that such leave with full pay may be withheld or terminated "if the appointing authority determines that the injury or disease is of such nature as to permanently prevent the employee from performing the duties of his or her position" (§ 10.1.4); and

WHEREAS, Employee No. 3489 has been periodically absent from work for extended periods since on or about April 19, 2016, when he suffered a compensable work related injury, having recently submitted a medical note indicating he has a 66 and 2/3 level of disability,

RESOLUTION NO. 154 - Continued

with no indication from him or from his treating physician as to when, if ever, he will be able to return to work and be capable of performing the duties of his job; and

WHEREAS, by letter dated February 7, 2019, Employee 3489 was notified that the Superintendent of Highways, as appointing authority, intended to meet to consider the nature and status of his injury and whether to invoke the provisions of § 10.1.4, inviting him to appear and to provide medical documentation, testimony or any other information or documentation he deemed relevant to assist the Board in making its determination; and

WHEREAS, on February 20, 2019, the Superintendent of Highways met with the Employee, a CSEA Labor Relations Specialist and a CSEA Representative and considered the nature and present status of his injury, at which time the Employee was unable to tell the Board when, if ever, he would be able to return to work capable of performing the duties of his position; and

WHEREAS, the Town Board has been informed that even during the limited intermittent periods when the Employee was able to return to work following the occurrence of his work related injury, he was limited in the tasks he was able to perform, never being able to fully perform the duties of his position, all to the detriment of the efficient and effective operation of his Department; and

WHEREAS, based on all of the information that it has received, including but not limited to the statements of the Employee, the medical notes provided by his physician, and the nature of the work related responsibilities and duties of the Employee's position, the Board accepts the Superintendent of Highways determination that Employee 3489 injury is of such a nature as to permanently prevent him from performing the duties of his position,

NOW, THEREFORE, BE IT RESOLVED, pursuant to § 10.1.4 of the Labor Agreement between the Town and the CSEA, the Town Board hereby accepts the determination of the Superintendent of Highways to terminate further leave with full pay for Employee No. 3489, effective immediately.

This determination is not intended to, and shall not, alter or affect any benefit to which Employee may be entitled under the provisions of the N.Y.S. Workers' Compensation Law.

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

RESOLUTION NO. 155

ADJOURNED / MEMORY

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

RESOLVED, at 9:55 pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of John Harnett, Tappan; and Ronald C. Krumm, Sr., Tappan.

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

Rosanna Sfraga, Town Clerk