

**TOWN OF ORANGETOWN REGULAR TOWN MEETING
Tuesday, October 24, 2017**

This Town Board Meeting was opened at _____ p.m.

Councilman Denis Troy_____

Councilman Thomas Diviny_____

Councilman Paul Valentine_____

Councilman Jerry Bottari_____

Supervisor Andrew Stewart_____

Pledge of Allegiance to the Flag

ANNOUNCEMENTS :

- Veterans' Day Ceremony - Sunday, November 5th, 10 A.M. at the Walkway of Heroes followed by unveiling of a plaque to commemorate the 50th Anniversary of the Camp Shanks Park upon which the Walkway was built.
- Public Hearing November 14, 2017, 8:05 PM – 2018 Preliminary Budget

PRESENTATIONS:

- Discussion with Dr. Karen Ventrano, TRC Solutions, regarding air sampling around Aluf (via telephone)

PUBLIC COMMENT:

AGENDA ITEMS:

TOWN BOARD:

**SET PUBLIC HEARING/8:05 PM, TUESDAY, DECEMBER 5,
2017/CHAPTER 43 §4.1 - PERFORMANCE STANDARDS -
RELATING TO ODOR, PARTICULATE MATTER, AND
OPACITY/DECLARE TOWN BOARD'S INTENT TO SERVE AS
LEAD AGENCY/DIRECT CIRCULATION**

1. RESOLVED that the Town Board will hold a public hearing on December 5, 2017, at 8:05 p.m., on a proposed Local Law, as follows, amending Chapter 43, §4.1 Performance Standards - relating to odor, particulate matter, and opacity;

BE IT BURTHER RESOLVED, that in connection therewith, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review under SEQRA, makes the preliminary determination that the action is an "unlisted" action under SEQRA, and directs that a Lead Agency Coordination Letter with relevant documents be circulated to and among the various below referenced

agencies; and

BE IT FURTHER RESOLVED, that the proposed local law be circulated to the Rockland County Department of Planning for the purpose of review pursuant to General Municipal Law §§ 239- l & m; and

BE IT FURTHER RESOLVED, that, pursuant to Town Code Chapter 43, §4.1 he proposed local law be circulated to the Town Zoning Board of Appeals inviting its input regarding, among other things, the implications of such an amendment, and requesting a response within 30-days.

IT

APPROVE/SURPLUS EQUIPMENT IT

2. RESOLVED, upon the recommendation of Director of Automated Services, declare the following surplus equipment available for auction.

Avaya Phones- 67 Items
Ayaya 6731- 4
Avaya 2420- 10
Avaya 6424- 3
Avaya 6408- 33
Avaya 6416- 2
Avyaa 2410- 4
Avaya EU24- 9
Avaya XM24- 3

APPROVE AGREEMENT/NEXVORTEX/MSIP SERVICE

3. RESOLVED, upon the recommendation of Director of Automated Services, enter into agreement with current vendor Nexvortex for three (3) years to provide upgraded VoIP phone service at base cost of \$329.00 per month.

TOWN ATTORNEY

**APPROVE SETTLEMENT/SEWER BACKUP CLAIM/PARKER
V. TOWN OF ORANGETOWN**

4. RESOLVED, that the Town board hereby approves the settlement of a pending litigation, relating to a sewer backup, in the matter of Clifford Parker III et al. v. Town of Orangetown, Rockland County Index No. 030418/2015, for the sum of Six Thousand Dollars (\$6,000.00).

APPROVE SETTLEMENT/GUY VARDI V. TOWN OF ORANGETOWN

5. RESOLVED, that the Town board hereby approves the settlement of a pending litigation, arising out of a bicycle accident at the intersection of Rte. 9W and Rockland Road, in the matter of Guy Vardi v. Town of Orangetown, Rockland County Index No. 032287/2016, for the sum of Fifteen Thousand Dollars (\$15,000.00).

**ACCEPT ROAD WIDENING DEED FOR ERIE STREET AND A STORM WATER MAINTENANCE AGREEMENT/
AUTHORIZE EXECUTION/KOLB SITE PLAN/582 ROUTE 303 ORANGEBURG/SBL: 70.14/4/12/PLANNING BOARD # 2017-24**

6. RESOLVED, that upon recommendation of the Town Attorney's Office, the Department of Environmental Management and Engineering, and the Superintendent of Highways, pursuant to the Kolb Site Plan as approved by the Planning Board in decision 2017-24, the Town hereby accepts from Kirchner Family Enterprises, LP and Traction Service Center, LLC, a Road Widening Deed for Erie Street and a Storm Water Maintenance Agreement for the project, and the Supervisor or his designee shall execute all documents necessary to effectuate acceptance of same.

**OFFICE OF BUILDINGS, PLANNING, ZONING,
ADMINISTRATION, AND ENFORCEMENT**

AUTHORIZE REPAIR/AUTHORIZE PURCHASE/VEHICLES

7. WHEREAS, OBZPAE has two inspector vehicles that are currently not usable and one additional vehicle that is near replacement; and
- WHEREAS, Jane Slavin, Director, OBZPAE met with Frank Peneno, Automotive Maintenance Supervisor, on October 10, 2017 to evaluate the status and maintenance costs of OBZPAE vehicles and determine a course of action for repair or replacement; and
- WHEREAS, vehicle number 403, model year 2005 has 100,168 miles and requires a new transmission, cylinder head, tires and exhaust leak at an approximate projected repair cost of \$3,400.00; and
- WHEREAS, vehicle number 405, model year 2005 has 67,911 miles and requires a new transmission and rotors at an approximate projected repair cost of \$3,000.00. In addition, the electrical harness in vehicle 405 is in poor shape and will be in need of replacement; however this part is no longer available; and
- WHEREAS, Vehicle number 408, model year 2008 has 135,412 miles and the hybrid battery will soon require replacement at an approximate projected replacement cost of

\$2,500.00; therefore

BE IT RESOLVED THAT, upon review of maintenance records and projected costs of repair, the Town Board approves the request of the Director of OBZPAE to immediately purchase a new vehicle for replacement of vehicle 403 and repair of vehicle 405, with replacement of vehicle 405 and 408 during 2018.

HIGHWAY

**AUTHORIZE USE OF VARIOUS ROADWAYS/BIKE MS NYC
- NATIONAL MULTIPLE SCLEROSIS SOCIETY/SUNDAY,
OCTOBER 22, 2017**

- 8. RESOLVED, that the Town Board hereby authorizes the Town of Orangetown Highway Department in conjunction with the Rockland County Highway Department to permit the National Multiple Sclerosis Society to use various roadways for their annual Bike Ride in the Town of Orangetown on Sunday, October 22, 2017, from 7 am to 5 pm.

**LEND ASSISTANCE/SHARE CHRISTMAS/ROTARY CLUB
OF PEARL RIVER/SOUTH MAIN STREET BETWEEN
CENTRAL AND FRANKLIN AVES/DECEMBER 8, 2017**

- 9. RESOLVED, that the Town Board hereby authorizes the Town of Orangetown Highway Department to lend assistance which includes the use of barricades, trash barrels, and message board for the Share Christmas event on Friday, December 8, 2017 (rd: 12.15.17), from 6 pm to 10 pm.

DECLARE SURPLUS EQUIPMENT

- 10. RESOLVED, that upon the recommendation of the Superintendent of Highways, the following equipment is declared surplus:

#37 2006 John Deere 624J DW624JP601564

PARKS AND RECREATION

**APPROVE USE OF SHOWMOBILE/NYACK CHAMBER OF
COMMERCE/HALLOWEEN PARADE/SATURDAY,
OCTOBER 28, 2017**

- 11. **RESOLVED**, upon completion of all necessary paperwork the Superintendent of Parks and Recreation has forwarded for approval by the Town Board use of the Showmobile by the Nyack Chamber of Commerce for their Halloween Parade on Saturday, October 28, 2017 (rain date October 29th) at a rental cost of \$400.00 with the organization

providing a certificate of insurance listing the Town of Orangetown as additionally insured.

**APPROVE USE OF SHOWMOBILE/PEARL RIVER
ROTARY/SHARE CHRISTMAS/FRIDAY, DECEMBER 8, 2017**

12. **RESOLVED**, upon completion of all necessary paperwork the Superintendent of Parks and Recreation has forwarded for approval by the Town Board use of the Showmobile by the Rotary Club of Pearl River for their Share Christmas and the Holidays Event on Friday, December 8, 2017 (rain date December 15) at a rental cost of \$400.00 with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured

APPROVE USE OF SHOWMOBILE/ORANGEBURG FIRE DEPARTMENT/HOLIDAY PARADE/SATURDAY, DECEMBER 9, 2017

13. **RESOLVED**, upon completion of all necessary paperwork the Superintendent of Parks and Recreation has forwarded for approval by the Town Board use of the Showmobile by the Orangeburg Fire Department for their Holiday Parade on Saturday, December 9, 2017 at a rental cost of \$400.00 with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured

APPROVE AID/VILLAGE OF NYACK 5K HALLOWEEN RUN/SATURDAY, OCTOBER 21, 2017

14. **RESOLVED**, upon completion of all necessary paperwork the Superintendent of Parks and Recreation has forwarded for approval by the Town Board the rental of 4 portojohn units for the Village of Nyack 5K Halloween Run on Saturday, October 21, 2017.

AUTHORIZE/INSTALLATION OF STOCKADE FENCING ALONG RAIL TRAIL/DELONGIS COURT AND KNIGHT COURT, SPARKILL

15. **RESOLVED**, that upon the recommendation of the Superintendent of Parks and Recreation award the bid for the installation of stockade fencing along the Joseph B. Clarke Rail Trail DeLongis Ct. and Knight Ct. to lowest qualified bidder Yaboo Fence Co. West Nyack, NY in an amount not to exceed \$100,000.

DONATION OF MEMORIAL BENCH

16. **RESOLVED**, that upon the recommendation of the Superintendent of Park and Recreation, the Town Board hereby accepts with gratitude the donation of one memorial bench to be placed along the Blauvelt section of the J.B. Clarke Rail Trail. Engraving will read "In memory of Richard G. Ingersoll, Sr."

PERSONNEL

AUTHORIZE SUPERVISOR TO SIGN CONTRACT/NYACK HOSPITAL (EMPLOYEE ASSISTANCE PROGRAM)/OCTOBER 1, 2017 THRU SEPT 30, 2018

17. **RESOLVED**, that the Town Board hereby authorizes the Supervisor to sign the annual contract with Nyack Hospital EAP (Employee Assistance Program) beginning October 1, 2017, and ending September 30, 2018, at a cost of \$10,879.00.

JUSTICE COURT

AUTHORIZE GRANT APPLICATION/NYS JUSTICE COURT ASSISTANCE PROGRAM/SECURITY AND OFFICE EQUIPMENT

18. RESOLVED, that the Supervisor is hereby authorized to submit a grant application for the Orangetown Justice Court to the New York State Justice Court Assistance Program 2017-18 in the amount of \$10,029 for the purpose of obtaining security equipment and office equipment.

NEW BUSINESS

TOWN ATTORNEY

PERFORMANCE BOND/ORANGETOWN COMMERCE CENTER/5 GREENBUSH ROAD, ORANGETOWN/S.B.L 74.15 BLOCK 1 LOT 2/PLANNING BOARD #2016-62, 63; 2017-49

19. WHEREAS, BF Orangetown, LLC as developer of certain property located at 5 Greenbush Road, Orangetown, New York, (Tax Lot 74.15 Block 1 Lot 2) applied for and received site plan approval from the Town of Orangetown Planning for said property pursuant to Planning Board decisions #2016-62 and 2016-63 for the project known as "Orangetown Commerce Center;" and

WHEREAS, pursuant to the aforesaid approvals, the Planning Board, at the recommendation of the Department of Environmental Management and Engineering, in its decision identified as PB 2017-49, required that the applicant post a Performance Bond in the amount of \$167,332.00 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 September 18, 2017, issued by International Fidelity Insurance Company, as Surety, on behalf of BF Orangetown, LLC, as principal, in the amount of \$167,332.00 naming the Town of Orangetown as beneficiary, to insure the completion of public improvements associated with the "Orangetown Commerce Center Site Plan", which Performance Bond has been approved as to form and substance by the Town Attorney's Office;

NOW THEREFORE BE IT FURTHER RESOLVED THAT, the Town hereby formally accepts, receives and files with the Office of the Town Clerk a Performance Bond dated September 18, 2017 issued by International Fidelity Insurance Company as Surety, on behalf of BF Orangetown, LLC, as principal, in the amount of \$167,332.00 naming the Town of Orangetown as beneficiary, to insure the completion of public improvements associated with the "Orangetown Commerce Center Site Plan" no later than

September 18, 2017 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 2016-62, 2016-63 and 2017-49, any Town departments having jurisdiction thereof, and formal resolution of the Town Board.

HIRE HEARING OFFICER

20. BE IT RESOLVED that the Town Board hereby appoints William Sherwood to act as a Hearing Officer pursuant to §75 of the Civil Service Law of the State of New York with respect to certain disciplinary charges, dated September 27, 2017, preferred against Employee #1450. The Hearing Officer is directed to conduct a hearing, making findings of fact and issue a recommendation of guilt or innocence, along with a recommended penalty, if appropriate, to the Town Board.

BE IT FURTHER RESOLVED that the Town Board approves of the compensation of Hearing Officer Sherwood, at a rate of \$225.00 per hour for services rendered.

PARKS AND RECREATION

VETERANS/FREE GREENS FEES/VETERANS DAY 2017

21. RESOLVED, that upon the recommendation of the Orangetown Town Board, free greens fees are hereby granted to all U.S. Military Veterans, regardless of residency, on November 13th 2017, at Blue Hill Golf Course and Broadacres Golf Course, in gratitude for their service to this country. Marketing materials related to this benefit will request the Veterans be prepared to show proof of service

TOWN ATTORNEY/POLICE

**APPROVE INTERMUNICIPAL AGREEMENT WITH
ROCKLAND COUNTY/REIMBURSEMENT OF LAW
ENFORCEMENT OVERTIME FOR COUNTERTERRORISM
TRAINING/SEPTEMBER 2016 TO AUGUST
2017/AUTHORIZE EXECUTION**

22. RESOLVED, that the Town of Orangetown approves the Intermunicipal Agreement with Rockland County for Reimbursement of Law Enforcement Overtime for Counterterrorism Training for the period covering September 1, 2016 through August 31, 2017 in the amount of \$26,078.00 and authorizes the Supervisor or his designee to fully execute said contract.

AUDIT

PAY VOUCHERS

23. RESOLVED, upon the recommendation of the Finance Director, Jeff Bencik, the Finance Office is hereby authorized to pay vouchers on six (6) warrants for a total of \$1,600,328.88

ADJOURNMENTS:

- Sr. Helen Murphy, Administrator of NY Foundling and St. Agatha's of Nanuet
- Charles "Chuck" Vilbig, Blauvelt
- Betsy Larkin, mother of Elizabeth Van Wynen, Pearl River
- Patricia Barry, Tappan
- Kathleen T. Glynn, Blauvelt