

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

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

Councilman Denis Troy _____

Councilman Thomas Diviny _____

Councilman Paul Valentine _____

Councilman Jerry Bottari _____

Supervisor Christopher Day _____

Pledge of Allegiance to the Flag

ANNOUNCEMENTS :

PRESENTATIONS:

- Orangetown Libraries Consolidation Presentation
- Ancient Order Hibernians Presentation by Pearl River St. Patrick's Day Parade Committee (presenters: William Young, Tom Levy & Jim McDonald)

DISCUSSION:

WORKSHOP OF AGENDA ITEMS

PUBLIC COMMENT:

OPEN PUBLIC COMMENT

RESOLVED, that the public portion is hereby opened.

CLOSE PUBLIC COMMENT

RESOLVED, that the public portion is hereby closed.

AGENDA ITEMS:

TOWN BOARD

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

1. **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.

**RESOLUTION TO
APPOINT 2019 DELEGATE
/ ASSOCIATION OF
TOWNS**

2. **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.

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

3. **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,

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.

TOWN ATTORNEY

**RESOLUTION TO SET PUBLIC HEARING DATE /
TUESDAY, FEBRUARY 26, 2019 AT 8:05 P.M. / RE:
PROPOSED LOCAL LAW, AMENDING CHAPTER 24 OF
TOWN CODE REGARDING "PARKING MUNICIPAL
LOTS" AND CHAPTER 26 OF TOWN CODE REGARDING
"PARKING METERS"**

4. **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

**RESOLUTION TO SET PUBLIC HEARING
DATE / WATERCOURSE DIVERSION / 60
FISHER AVE., PEARL RIVER / MARCH
12, 2019 at 8:05 PM**

5. **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;

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.

RESOLUTION TO APPROVE / SEWER WORK / 2019 CERTIFICATES OF REGISTRATIONS

6. **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

RESOLUTION TO RELEASE PERFORMANCE BOND / BRIGHTVIEW SENIOR LIVING SITE PLAN

7. **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.

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

8. **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

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

9. **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.

**RESOLUTION TO APPROVE FOURTH
LEASE AMENDMENT WITH NEW
CINGULAR WIRELESS PCS, LLC.
D/B/A AT&T WIRELESS**

10. **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.

**RESOLUTION TO AUTHORIZE /
ADVERTISEMENT / SOLICIT OF BIDS FOR
TOWN-WIDE SERVICE / COLLECTION,
TRANSPORTATION AND DISPOSAL OF
RESIDENTIAL RECYCLABLES**

11. **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.

POLICE / TOWN ATTORNEY

RESOLUTION TO APPROVE MEMORANDUM OF UNDERSTANDING WITH THE COUNTY OF ROCKLAND, RELATING TO THE ROCKLAND COUNTY INTELLIGENCE CENTER (“RCIC”), INCLUDING THE ASSIGNMENT OF ONE TOWN POLICE OFFICER THERETO

12. **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

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.

RESOLUTION TO AUTHORIZE / INTER-MUNICIPAL AGREEMENT WITH ROCKLAND COUNTY FOR REIMBURSEMENT OF THE COSTS OF LAW ENFORCEMENT OVERTIME FOR COUNTER-TERRORISM TRAINING

13. **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,
- 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.

POLICE

RESOLUTION TO AUTHORIZE / P.O. LOPEZ / ATTENDANCE AT NEW YORK D.A.R.E. OFFICER TRAINING SCHOOL / 2019 / JANUARY 14 - JANUARY 25

14. **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.

PARKS AND RECREATION

**RESOLUTION TO APPROVE
CARETAKER AGREEMENT /
2019 / NIKE PARK / THOMAS
IACOBELLIS**

15. **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.

**RESOLUTION TO ACCEPT
DONATION / MEMORIAL
BENCH / HAUBURGER**

16. **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."

HIGHWAY

**RESOLUTION TO APPROVE / 2018
CURED IN PLACE PIPE LINING /
JEFFERSON AVENUE / PEARL
RIVER**

17. **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.

AUDIT

**PAY
VOUCHERS**

18. **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

ADJOURNMENTS

Thomas J.Reilly, Resident of Pearl River

- 19.