

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, MAY 24, 2016**

This Regular Town Board Meeting was opened at 7:30 p.m. Supervisor Stewart presided and Charlotte Madigan, Town Clerk, called the roll. Present were:

Councilman Denis Troy  
Councilman Thomas Diviny  
Councilman Paul Valentine  
Councilman Gerald Bottari

Also present: Charlotte Madigan, Town Clerk  
John Edwards, Town Attorney  
Teresa M. Kenny, Deputy Town Attorney  
Jeff Bencik, Finance Director  
John Giardiello, Director of OBZPAE  
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.  
Kevin Nulty, Police Chief  
Joseph Moran, Commissioner of DEME

Pledge of Allegiance to the Flag of the United States of America was led Eileen Lyman.

Sgt. Steve Amon, member of the Orangetown Auxiliary Police Unit, was presented with the "Lt. Jack Lyman Auxiliary Police Service Award". This award is designed to recognize a current member of the Auxiliary Police Unit, who has shown the same dedication and service as Jack Lyman, during his tenure.

Town Clerk Charlotte Madigan administered the Oath of Office to the Orangetown Auxiliary Police members: Steve Amon, Marshall Becker, Michael Bonavito, John Budin, Bryan Corts, Philippe Duval, Wilfrid Fleurival, Arden Frazin, Rossano Giannini, Wallace Herisse, Daniel Janvier, Mitch Kahn, Kuen Lee, Josh Lorquet, Joseph Luciano, Jake Oldenburger, Pablo Ramos, Corina Sandoval, Mitch Saul, Michael Savino, Mike Stroud and Paul Weiner.

**RESOLUTION NO. 264**

**POLICE /DANIEL RYAN  
DETECTIVE/YOUTH OFFICER**

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

RESOLVED, that upon the recommendation of the Chief of Police, and in accordance with the terms of section #13 of the Rockland County Police Act of 1936, as amended, Daniel Ryan is detailed to the duties of detective/youth officer, effective May 31, 2016, at a salary consistent with the terms of labor agreement between the Town of Orangetown and the Orangetown PBA bargaining unit.

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

Town Clerk, Charlotte Madigan, administered the Oath of Office to Detective Ryan.

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**RESOLUTION NO. 265**

**APPOINT/POLICE OFFICER  
CARAH C. DEPETER**

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

**RESOLUTION NO. 265 - Continued**

RESOLVED, that upon the recommendation of the Chief of Police, Carah C. DePeter, from the Rockland County Department of Personnel Civil Service List # (OC) 12100/61-134, is hereby appointed to the position of Police Officer/Permanent, effective May 25, 2016, at a salary consistent with the terms of the labor agreement between the Town of Orangetown and Orangetown PBA.

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

Noes: None

Town Clerk, Charlotte Madigan, administered the Oath of Office to P. O. DePeter.

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**RESOLUTION NO. 266**

**APPOINT/POLICE OFFICER  
GREGORY J. CAPEZZUTO**

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

RESOLVED, that upon the recommendation of the Chief of Police, Gregory J. Capezzuto, from the Rockland County Department of Personnel Civil Service List # (OC) 12100/61-134, is hereby appointed to the position of Police Officer/Permanent, effective May 25, 2016, at a salary consistent with the terms of the labor agreement between the Town of Orangetown and Orangetown PBA.

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

Noes: None

Town Clerk, Charlotte Madigan, administered the Oath of Office to P.O. Capezzuto.

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**RESOLUTION NO. 267**

**APPOINT/ POLICE OFFICER  
JAMES M. PACELLA**

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

RESOLVED, that upon the recommendation of the Chief of Police, James M. Pacella, from the Rockland County Department of Personnel Civil Service List # (OC) 12100/61-134, is hereby appointed to the position of Police Officer/Permanent effective May 25, 2016, at a salary consistent with the terms of the labor agreement between the Town of Orangetown and Orangetown PBA.

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

Noes: None

Town Clerk, Charlotte Madigan, administered the Oath of Office to P.O. Pacella.

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**RESOLUTION NO. 268**

**APPOINT/POLICE OFFICER  
JONATHAN M. FISHER**

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

**RESOLUTION NO. 268 - Continued**

RESOLVED, that upon the recommendation of the Chief of Police, Jonathan M. Fisher, from the Rockland County Department of Personnel Civil Service List # (OC) 12100/61-134, is hereby appointed to the position of Police Officer/Permanent, effective May 25, 2016, at a salary consistent with the terms of the labor agreement between the Town of Orangetown and Orangetown PBA.

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

Noes: None

Town Clerk, Charlotte Madigan, administered the Oath of Office to P.O. Fisher.

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**RESOLUTION NO. 269**

**POLICE NOMINATION/POLICE OFFICER/TERRENCE J. AMBROSE**

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

RESOLVED, Terrence J. Ambrose, from Rockland County Department of Civil Service nomination list # (OC) 12100/61-134, is hereby nominated to position of "Police Officer/Resident's List full-time", pending completion of the Rockland County Department of Personnel certification process and a satisfactory background investigation.

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

Noes: None

Town Clerk, Charlotte Madigan, administered the Oath of Office to P.O. Ambrose.

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**RESOLUTION NO. 270**

**POLICE NOMINATION/POLICE OFFICER/ RYAN S. EIRAND**

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

RESOLVED, Ryan S. Eirand, from Rockland County Department of Civil Service nomination list # (OC) 12100/61-134, is hereby nominated to position of "Police Officer/Resident's List full-time", pending completion of the Rockland County Department of Personnel certification process and a satisfactory background investigation.

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

Noes: None

Town Clerk, Charlotte Madigan, administered the Oath of Office to P.O. Eirand.

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**RESOLUTION NO. 271**

**POLICE NOMINATION/POLICE RADIO DISPATCHER/ CAD /CLAIRE T. TRACEY**

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

**RESOLUTION NO. 271 - Continued**

RESOLVED, Claire T. Tracey, from Rockland County Department of Civil Service nomination list #12045 is hereby nominated to position of “Police Radio Dispatcher/CAD”, pending successful completion of the Rockland County Department of Personnel certification process and a satisfactory background investigation.

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

Noes: None

Town Clerk, Charlotte Madigan, administered the Oath of Office to Dispatcher Tracey.

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**RESOLUTION NO. 272**

**OPEN PH/NEW PROPOSED LL/USE  
OF TOWN PARKS/CHAPTER 7A**

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

RESOLVED, the public hearing on a proposed Local Law, to amend Chapter 7A of the Town Code, by adding a new Section 14, relating to the Use of Town Parks, is hereby opened.

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

Noes: None

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and Notice of Posting; copies are labeled Exhibit 05-C-16 and made a part of these minutes.

Summary of Public Comments:

Tom Lynch, Pearl River, is in favor of making the parks only available to residents.

William Collins, Pearl River, agrees with Mr. Lynch’s comments.

Mike Mandel, Pearl River, is concerned about non-residents’ overcrowding and their aggressive behavior in Town parks. He asked, how will this local law be enforced and what are the penalties.

Tom DePrisco, Pearl River, is in favor of Town resources only being used for Town residents.

Rabbi Craig Scheff, Orangetown Jewish Center, shares many of the same concerns and anxieties as other residents. The synagogue is part of the community ready to educate and answer questions to dispel myths and to decrease fears. He is against any Park fees for resident’s guests.

Brady Amoon Clark, Blauvelt, is against any fees for residents and their guests.

Annmarie Uhl, Blauvelt, is concerned that this local law is going against practices and could create a hostile environment.

Amy Wertheim for Kristi Thompson, Pearl River, asked: what parks will be affective; are Town residents allowed to bring guests at no charge; and if non-resident grandparents want to take their resident grandchildren to a park, is there a fee.

Cathy Lanstein-Reiss, Tappan, believes this local law is intendent to protect residents and the Town parks. It will take value away from the parks, fees will actually be an additional tax and it will create an unfriendly community.

Michael Reiss, Tappan, knows there is fear underlying this situation. Residents and their guest should not have to pay an additional fee. Is this going to be an honor system or will Police be at park entrances?

Thomas Sullivan, Pearl River, thanked the Town Board for protecting Town resources. He asked if any studies have been done.

Richard Kenney, Pearl River, said there is nothing wrong with regulating who enters Town parks. Everyone has to pay for a permit at the Jersey Shore, and State and National parks. The permit fees will help maintenance costs.

The Town Board had a lengthy discussion regarding the following proposed local law and decided to continue the public hearing, on June 14, 2016 at 8 pm.

**NEW PROPOSED LOCAL LAW  
AMENDING CHAPTER 7A OF THE TOWN CODE  
RELATING TO USE OF TOWN PARKS**

§ 7A-14 REGISTRATION AND ADMISSION TO TOWN PARKS

- A. Each and every person using Town parks in the Town of Orangetown shall register with the duly authorized agent of the Town employed for that purpose before using same and shall give his or her name and address and such other information as may be required by the Town through its authorized agents.
- B. Each and every person so registered shall be furnished with an identification badge or ID band which shall be exhibited upon request to Town representatives.
- C. Any Identification badge issued pursuant to this chapter shall be for the exclusive use of the registrant, and it shall be a violation of this chapter to lend, give, sell or in any way attempt to transfer a badge or to use a badge issued to another.
- D. The fees for identification badges shall be as follows:

Badge valid for the entire year:

- Town Resident: No Charge.
- Town Resident Senior Citizen (age Sixty Five (65) and over): No Charge.
- Town Resident Young Adult (age Twelve (12) through Eighteen (18)): No Charge.
- Town Resident under the age of twelve (12): No Charge.
- Caretaker for Town Resident (registered through Town resident): 10.00.
- Non-Resident: \$250.00.
- Non-Resident Senior Citizen (age Sixty Five (65) and over): \$150.00.
- Non-Resident Young Adult (age Twelve (12) through Eighteen (18)): \$165.00.
- Non-Resident under the age of twelve (12) years: \$150.00.

Badge valid per day:

- Non-Resident accompanied by Guest of Town Resident: \$5.00 per admission
- No charge shall be made for any person using a Town Park as part of an Adult or Youth sports league that is registered to use any such park with the Town of Orangetown.

**RESOLUTION NO. 273**

**CONTINUE PH/NEW PROPOSED LL  
USE OF TOWN PARKS/CHAPTER 7A**

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

RESOLVED, the public hearing on a proposed Local Law to amend Chapter 7A of the Town Code, by adding a new Section 14, relating to the Use of Town Parks, will be continued on June 14, 2016, 8:00 pm.

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

Noes: None

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**RESOLUTION NO. 274**

**OPEN PH/NEW PROPOSED LL  
CHAPTER 1A/BEST VALUE  
COMPETITIVE BIDDING AND  
PROCUREMENT**

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

**RESOLUTION NO. 274 - Continued**

RESOLVED, the public hearing on a proposed Local Law, amending Chapter 1A of the Town Code, to add a new Article IV, entitled, Best Value Competitive Bidding and Procurement is hereby opened.

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

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and Notice of Posting; copies are labeled Exhibit 05-D-16 and made a part of these minutes.

Summary of Public Comments:

Mike Mandel, Pearl River, believes this law is reasonable. It should save the Town's taxpayers funds to be better spent on other projects. However, this could be riddle with ethical problems, such as awarding or taking care of businesses with political connections. The resolution must spell out the reasons why, with justifying specs, of not going with the lowest bidder.

**RESOLUTION NO. 275**

**CLOSE PH//NEW PROPOSED LL  
CHAPTER 1A/BEST VALUE  
COMPETITIVE BIDDING AND  
PROCUREMENT**

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

RESOLVED, the public hearing on a proposed local law, amending Chapter 1A, of the Town Code, to add a new Article IV, Best Value Competitive Bidding and Procurement is hereby close.

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

**RESOLUTION NO. 276**

**LEAD AGENCY/SEQRA/NEW  
PROPOSED LL CHAPTER 1A/BEST  
VALUE COMPETITIVE BIDDING  
AND PROCUREMENT**

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

RESOLVED, that the Town Board hereby declares itself to be Lead Agency for environmental review with respect to a proposed Local Law, amending Chapter 1A of the Town Code, entitled "General Provisions" to add a new Article IV; and further determines that such action will not have a significant adverse environmental impact, and, therefore, issues a Negative Declaration with respect thereto under the State Environmental Quality Review Act.

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

**RESOLUTION NO. 277**

**ADOPT/ LOCAL LAW NO. 5, 2016  
AMENDING CHAPTER 1A/ADD NEW  
ARTICLE IV/BEST VALUE  
COMPETITIVE BIDDING AND  
PROCUREMENT**

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

**RESOLUTION NO. 277 - Continued**

RESOLVED, that the Town Board hereby adopts proposed Local Law No. 5, 2016, amending Chapter 1A of the Town Code, entitled “General Provisions” to add a new Article IV entitled “Best Value Competitive Bidding and Procurement”.

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

Noes: None

**LOCAL LAW NO. 5, 2016,  
AMENDING CHAPTER 1A OF THE TOWN CODE  
TO ADD A NEW ARTICLE IV ENTITLED  
“BEST VALUE COMPETITIVE BIDDING AND PROCUREMENT”**

Be it enacted by the Town Board of the Town of Orangetown as follows:

*Section 1:* Chapter 1A of the Town Code of the Town of Orangetown entitled “General Provisions” shall have a new Article IV entitled “Best Value Competitive Bidding and Procurement”, which shall read as follows:

Article IV  
Best Value Competitive Bidding and Procurement

§ 1A-10. Title

This Local Law shall be known as the “Town of Orangetown Local Law Authorizing Best Value Competitive Bidding and Procurement.”

§ 1A-11. Legislative Intent and Purpose

The intent of this law is to allow the Town Board the option to award certain purchase contracts (including contracts for services) subject to competitive bidding under Section 103 of the General Municipal Law on the basis of a low bid or “best value” as defined in Section 163 of the New York State Finance Law.

§ 1A-12. Authority

This local law is enacted pursuant to New York State General Municipal Law §103.

§ 1A-13. Best Value Competitive Bidding

A. Authority and Purpose.

Section 103 of the New York General Municipal Law allows the Town to authorize, by local law, the award of certain purchase contracts (including contracts for services) subject to competitive bidding under General Municipal Law § 103 on the basis of “best value” as defined in Section 163 of the New York State Finance Law. The “best value” option may be used, for example, if it is more cost efficient over time to award the good or service to other than the lowest responsible bidder or proposer if factors such as lower cost of maintenance, durability, high quality and longer product life can be documented.

B. Award Based on Best Value.

The Town Board may award purchase contracts, including contracts for services, on the basis of “best value” as the term is defined in New York State Finance law § 163. All contracts or purchase orders awarded based on value shall require Town Board approval.

C. Applicability.

The provisions of this chapter apply to Town purchase contracts, including contracts for services, involving an expenditure of more than \$20,000, but excluding purchase contracts

## LOCAL LAW NO. 5, 2016 - Continued

necessary for the completion of a public works contract pursuant to Article 8 of the New York Labor Law and any other contract that may in the future be excluded under state law from the best value option. If the dollar thresholds of New York General Municipal Law § 103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth herein shall be deemed simultaneously amended to match the new General Municipal Law thresholds.

### D. Standard for Best Value.

Goods and services procured and awarded on the basis of best value are those that the Town Board determines optimize quality, cost and efficiency, among responsive and responsible bidder or offerors.

2. Where possible, the determination shall be based on an objective and quantifiable analysis of clearly described and documented criteria as they apply to the rating of bids or offers.
3. The criteria may include, but shall not be limited to, any or all of the following: cost of maintenance; proximity to the contractors; longer product life; product performance criteria; and quality of craftsmanship.

### E. Documentation.

Whenever any contract is awarded on the basis of best value instead of lowest responsible bidder, the basis for determining best value shall be thoroughly and accurately documented.

### F. Piggybacking of purchases.

Notwithstanding the provisions of this Local Law, the Town of Orangetown may, for purposes of public purchases, utilize the provisions of General Municipal Law § 103 with regard to so-called "piggybacking" of purchases. Pursuant to General Municipal Law § 103, the Town of Orangetown may purchase through the bids solicited by the United States government, New York State and/or any other political subdivision (counties, towns, villages, school districts, etc.), provided those contracts clearly state that they are available for use by other governmental entities within the requirements of General Municipal Law § 103(16). Prior to such purchase, the Town of Orangetown will ensure that a piggyback purchase qualifies as follows:

1. The contract involved must have been available for use by other governmental entities through the bid solicitation process. In such case, the Town of Orangetown should determine that there is contained within the bidding municipality's bid package a provision that the bid is open to and can be used by either the Town of Orangetown or other municipalities. This determination should be made on a case-by-case basis.
2. The specific contract must have been issued in accordance with the provision of General Municipal Law § 103.

### G. Procurement Policy Superseded Where Inconsistent.

Any inconsistent provision of the Town's procurement policy, as adopted prior to the effective date of this Local Law by resolution of the Town Board, or as amended thereafter, shall be deemed superseded by the provisions of this chapter.

### § 1A-14. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.



**LOCAL LAW NO. 5, 2016 - Continued**

§ A-15. Effective Date

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State.

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Summary of Public Comments (RTBM):

Eileen Larkin, Palisades, spoke about lead in our drinking water and it's affects to our health. The Town should provide water testing for contamination of lead.

Esta Baitler, Sparkill, disagrees with Rena Finkelstein's comments, from a previous meeting. People with Attention Deficit and Hyperactivity (ADHD) and Autism do not suffer from mental illnesses. Any person who speaks about mental illness should be Board Certified.

Milry Polk, Palisades, informed the Town Board that Palisades Historic District is being threatened by franchising businesses.

Susan Nemesdy, Palisades, wants the Town Code amended to prohibit franchising businesses in Palisades. Palisades is a small residential community with no business district.

Carol Baxter, Palisades, believes franchising businesses will damage the character of Historic Districts. She reiterated the importance of amending the Town Code.

Mike Mandel, Pearl River, asked if the funds from SUCASA will be used for all school districts. The Pearl River Park & Activity Committee appreciates the Town's support for their July 4<sup>th</sup> celebration.

Tom DePrisco, Pearl River, thanked the Town Board for the funding of the DARE program.

Barbara Delo, Blauvelt, believes substance abuse should be introduced in early childhood.

Heather Hurley, Pearl River, thinks stalling the Prohibited Uses amendment is leaving the Town at risk. She read a report, from the DEC, regarding Aluf Plastics and asked why the Town is not enforcing regulations.

Amy Wertheim, Pearl River, asked how do solicitors know that new people are on the "Do Not Knock" registry; and if the community has to call the Police, if they get a knock on their door.

Tom O'Leary, Pearl River, explained he does a lot of business with Aluf Plastics. It would not surprise him that their temperatures are not set properly. He asked, the Town Board to consider the Parks in the fringe areas of the Town.

**RESOLUTION NO. 278**

**CLOSE PUBLIC COMMENTS**

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

RESOLVED, that the public portion is hereby closed.

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

Noes: None

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**RESOLUTION NO. 279**

**APPROVE POLICE VEHICLES SURPLUS/AUCTION**

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

RESOLVED, that upon the recommendation of the Chief of Police, the following town vehicles are declared surplus for auction:

- old 338 - 2008 Ford Crown Vic, B/W, 2FAHP71V48X166302
- old 340 - 2010 Ford Crown Vic, B/W, 2FABP7BV5AX140446
- old 337 - 2010 Ford Crown Vic, B/W, 2FABP7BV1AX140444
- old 306 - 2006 Ford Crown Vic, B/W, 2FAHP71W36X127707

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

Noes: None

**RESOLUTION NO. 280**

**AUTHORIZE RELEASE PERFORMANCE  
BOND/SMK-ERIE STREET SUBDIVISION  
89 West Erie Street, Blauvelt, NY**

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

RESOLVED, that upon the recommendation of the Planning Board (PB# 2016-16), the Town Highway Department, DEME and the Town Attorney's Office, the Board hereby authorizes the release of the SMK-Erie Street Subdivision Performance Bond (89 West Erie Street, Blauvelt, NY) and collateral in the amount of \$28,560.00 posted by SMK-Home Builders Inc., originally accepted by the Town pursuant to Town Board Resolution 2015-131.

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

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**RESOLUTION NO. 281**

**AGREEMENT/THE NOBLE NINTH,  
INC./USE OF NOBLE NINTH'S PICNIC  
GROUNDS/ORANGETOWN 2016  
SUMMER DAY CAMP PROGRAM**

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

RESOLVED, that the Town Supervisor is authorized to sign The Letter of Extension Agreement with The Noble Ninth, Inc, dated May 17, 2016, for use of the Noble Ninth's picnic grounds for the Town of Orangetown's 2016 Summer Day Camp Program, from June 29, 2016 through August 5, 2016, under the same terms and conditions as set forth in a certain agreement entered into between the Town of Orangetown and the German Masonic Home Corporation dated May 18, 1991, as received and filed in the Town Clerk's Office.

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

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**RESOLUTION NO. 282**

**TAX CERTORIARI SETTLEMENT  
200 EAST ERIE STREET CO., LLC**

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

RESOLVED, that upon the recommendation of the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign the Consent Judgment regarding the tax certiorari proceeding *200 East Erie St Co., LLC v. Assessor of the Town of Orangetown, et al.*, Tax Map designation 70.15-1-50, (200 East Erie St., Blauvelt) for the tax assessment years 2014 and 2015, for a total refund by the County of \$551, a total refund by the Town of \$1,645 and a total refund by the School District of \$4,932. Interest on the Town's liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town (and Rockland County Finance Dept.).

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

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**RESOLUTION NO. 283**

**APPOINT TOM WILLINGER/SENIOR  
CITIZEN ADVISORY COMMITTEE**

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

**RESOLUTION NO. 283 - Continued**

RESOLVED, that the Town Board hereby appoints Tom Willinger, to serve as a member of the Senior Citizen Advisory Committee, with term commencing May 24, 2016 and expiring on December 31, 2016.

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

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**RESOLUTION NO. 284**

**RE-APPOINT WILLIAM BECKMANN  
SANITATION COMMISSION**

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

RESOLVED, that the Town Board hereby re-appoints William Beckmann to serve as a member of the Sanitation Commission, for a 5-year term, commencing June 1, 2016 and expiring December 31, 2021.

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

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**RESOLUTION NO. 285**

**LEASE AGREEMENT/ NEW YORK  
SMSA LIMITED PARTNERSHIP  
D/B/A/VERIZON WIRELESS/CELL  
TOWER EQUIPMENT/SHELTER AND  
SPACE/ 119 RTE 303/ ORANGEBURG**

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

RESOLVED, that the Town Board hereby approves the Lease Agreement with New York SMSA Limited Partnership d/b/a Verizon Wireless to lease a portion of an equipment shelter and space on the tower at 119 Route 303, Orangeburg, New York, which lease provides for annual rent of \$33,600.00 (\$2800.00 per month), annual increases of 3%, and three optional five year renewals, and authorizes the Supervisor to execute said lease agreement.

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

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**RESOLUTION NO. 286**

**AID/SAINTS CONSTANTINE AND  
HELEN GREEK ORTHODOX  
CHURCH'S ANNUAL GREEK  
FESTIVAL**

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

RESOLVED, that the Town Board hereby authorizes the Highway Dept., to lend assistance to the Saints Constantine and Helen Greek Orthodox Church's Annual Greek Festival, which includes the use of cones, barricades, trash cans, recycling kiosks, green bins, dumpster and no parking signs, June 2<sup>nd</sup> thru June 5<sup>th</sup>, 2016.

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

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**RESOLUTION NO. 287**

**AID/AMERICAN LEGION POST 1271  
TAPPAN MEMORIAL DAY PARADE**

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

RESOLVED, that the Town Board hereby authorizes the Highway and Police Departments to lend assistance, to American Legion Post 1271's Memorial Day Parade, which includes the use of barricades and (2) Auxiliary Police for the Memorial Day Parade in Tappan, on Monday, May 30th, 2016, from 10:45 am to 12:30 pm.

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

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**RESOLUTION NO. 288**

**AID/PEARL RIVER PARK & ACTIVITY  
COMMITTEE/ANNUAL PEARL RIVER  
CARNIVAL FUNDRAISER**

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

RESOLVED, that the Town Board hereby authorizes the Highway and Police Departments to lend assistance, to The Pearl River Park & Activity Committee Inc.'s Annual Pearl River Carnival fundraiser for the July Fourth Celebration, which includes Police Detail, trash receptacles, field clean up, large dumpster and message board, June 23 thru June 26 at the Central Avenue Field in Pearl River.

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

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**RESOLUTION NO. 289**

**AID/PEARL RIVER PARK &  
ACTIVITY COMMITTEE, INC.  
4<sup>TH</sup> OF JULY FIREWORKS**

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

RESOLVED, that the Town Board hereby authorizes the Highway, the Parks and Recreation and the Police Departments to lend assistance, to The Pearl River Park & Activity Committee Inc.'s 4<sup>th</sup> of July Fireworks Display and Celebration on Monday, July 4, 2016 (rain date of Sunday, July 9, 2016), which includes Police Detail, trash receptacles, field clean up, large dumpster, snow fence, barricades, six portable toilets (two handicapped accessible) and the message board.

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

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**RESOLUTION NO. 290**

**RESCIND RESOLUTION NO. 215-2016  
AID/PEARL RIVER HOOK AND  
LADDER LADIES AUXILIARY  
CRAFT FAIR**

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

**RESOLUTION NO. 290 - Continued**

RESOLVED, that Resolution No. 215/2016 is hereby rescinded and the Town Board hereby authorizes the Parks and Recreation, and the Highway Departments to lend assistance, to the Pearl River Hook and Ladder Ladies Auxiliary for their Craft Fair on Sunday, July 10th, 2016, from 10 a.m. to 4 p.m., which includes the use of one (1) ADA compliant port-o-john and two (2) regular port-o-johns, use of the Message Board and trash barrels.

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

Noes: None

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**RESOLUTION NO. 291**

**AID/ROCKLAND COUNTY TRAFFIC  
SAFETY BOARD/SAFETY EVENT  
AND CAR SHOW**

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

RESOLVED, that the Town Board authorizes the Parks and Recreation and the Highway Departments to lend assistance, which includes the use of barricades, trash cans, the message board, and the use of two regular port-o-johns, for the Rockland County Traffic Safety Board's Safety Event and Car Show, on Saturday, June 4<sup>th</sup> 2016, from 10 am to 3 pm, at the Central Avenue Field, Pearl River.

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

Noes: None

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**RESOLUTION NO. 292**

**AID/ROTARY CLUB OF PEARL  
RIVER/SOAP BOX DERBY**

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

RESOLVED, that the Town Board authorizes the Parks and Recreation and the Highway Departments, to lend assistance, which includes five port-o-sans, trash barrels, barricades, cones and use of the message board, to the Pearl River Rotary for their Coaster Car Race trial run, on Sunday, May 22<sup>th</sup> and for the Derby Race Day, on Sunday, June 5<sup>th</sup> (rain date June 12).

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

Noes: None

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**RESOLUTION NO. 293**

**SHOWMOBILE/VCS ROCKLAND  
COUNTY PRIDE SUNDAY**

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

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 VCS Rockland County Pride for their "Rockland County Pride Sunday" on Sunday, June 12, 2016, at a rental cost of \$400.00, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

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

Noes: None

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**RESOLUTION NO. 294**

**AWARD BID/MOWING AND  
MAINTENANCE OF TOWN-OWNED  
PROPERTIES AT RPC/CUSTOM  
GARDEN LANDSCAPING**

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

WHEREAS, the Superintendent of Parks and Recreation duly advertised for sealed bids for Mowing and Maintenance of Town-owned properties at the Rockland Psychiatric Center , which were received and publicly opened on May 12, 2016 ; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 05-E-16, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation this bid is awarded to Custom Garden Landscaping of Pearl River NY for an annual fee of \$12,130.00, the lowest qualified bid.

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

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**RESOLUTION NO. 295**

**APPROVE/SEWER WORK 2016  
CERTIFICATE OF REGISTRATION**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Troy 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 2016 Sewer Work is approved to:

1. RR Plumbing Services Corporation, d/b/a Roto-Rooter, 525 Waverly Avenue, Mamaroneck, NY
2. Travcon, Inc., 375 Kings Highway, Valley Cottage, NY 10989-1633

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

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**RESOLUTION NO. 296**

**AWARD BID/2016 SANITARY SEWER  
IMPROVEMENTS/NYACK/EN-TECH  
CORPORATION**

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

WHEREAS, the Commissioner of DEME duly advertised for the sealed bids for the 2016 Sanitary Sewer Improvements in Nyack, NY (Cured-in-place pipe method), ITB-DEME 48-2016, which were received and publicly opened on April 21, 2016; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 05-F-16, and made a part of these minutes.

WHEREAS, En-Tech Corporation is the lowest qualified bidder in the amount of \$1,618,625.00.

WHEREAS, funding is available from a previously approved grant/loan from the NYSEFC, in the amount of \$1,203,947.15 and the balance of \$414,677.85 is available in DEME fund balance.

THEREFORE, BE IT RESOLVED, that upon recommendation of the Commissioner of DEME, this bid of April 21, 2016 Sewer Improvements in Nyack, NY (Cured –in-place pipe

method) ITB-DEME-48-2016, is hereby awarded to EN-TECH CORP , the lowest qualified bidder, in the amount of \$1,618,625.00.

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

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**RESOLUTION NO. 297**

**AWARD BID/ODOR CONTROL  
CHEMICALS & SERVICES/49-2016  
NRP GROUP**

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

WHEREAS, the Commissioner of DEME duly advertised for the sealed bids for the 2016 Town-Wide Odor Control Contract, ITB-DEME 49-2016, which were received and publicly opened on April 21, 2016; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 05-G-16, and made a part of these minutes.

WHEREAS, the lowest qualified bidder was NRP Group in the amount of \$5,766.00/month (grand total of \$138,384.00 for the full 24 month period).

THEREFORE, BE IT RESOLVED that upon the recommendation of the Commissioner of DEME, that this contract be hereby awarded to the lowest qualified bidder, NRP Group, in the amount of \$138,384.00.

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

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**RESOLUTION NO. 298**

**AUTHORIZE/CONTRACTS  
PURCHASE OF STREETLIGHTS  
FROM ORANGE AND ROCKLAND**

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

RESOLVED, that the Town Board authorizes the Supervisor, subject to Town Attorney approval, to sign the following agreements with Orange and Rockland Utilities for the purchase of streetlights: 1. Agreement for Purchase and Sale of Street Lighting Facilities, from Orange and Rockland Utilities, Inc., at the negotiated price of \$401,528, or about \$159 per light, adjustable as per the contract, depending on the results of the audit verifying streetlight inventory; 2. Mutual General Release and Settlement Agreement; and, 3. The Operating Agreement describing the installation of in-line fuse disconnects and related responsibilities of both parties in operating the streetlights under town ownership on utility poles that Orange and Rockland will continue to own and use for other purposes.

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

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**RESOLUTION NO. 299**

**APPROVE AGREEMENT/SUFFERN  
UNITED COLITION AGAINST  
SUBSTANCE ABUSE (SUCASA) AND  
WELLCORE CONSULTING/SOBER  
TRUTH ON PREVENTING  
UNDERAGE DRINKING GRANT**

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

**RESOLUTION NO. 299 - Continued**

RESOLVED, that the Town Board hereby approves the agreement by and between the Town on behalf of SUCASA (Suffern United Coalition Against Substance Abuse) and Wellcore Consulting, LLC, "Sober Truth on Preventing Underage Drinking" grant. The Town will serve as an agent for SUCASA in administering the grant. The Town will receive \$5,000 agent fee per year for four years.

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

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**RESOLUTION NO. 300**

**PERMISSION GRANTED/TAX  
SYSTEM TRAINING/BUSINESS  
AUTOMATION SERVICES**

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

RESOLVED, that permission is granted to the following Orangetown employees, Robert Simon, Jeffrey Bencik, Janice Ganley and Karen Serafin, to attend the BAS Tax System Training, at the Town of Orangetown, at a cost of not to exceed \$560.00, charged to Account No. A.1330.441.

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

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**RESOLUTION NO. 301**

**ACCEPT/RECEIVE/FILE/ TOWN  
CLERK'S OFFICE**

Supervisor Stewart 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. April 5 & 26, 2016 Workshop minutes; April 12, 2016 Regular Town Board Meeting minutes; and April 18, 2016 Special Town Board Meeting minutes.
2. 2016 Master Service Agreement/Ethernet Service Supplement with Lightower Fiber Networks, LLC and Nyack Hospital.
3. License Agreement with Rockland Filming Campus, LLC for property located on the RPC site, dated May 4, 2016.

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

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**RESOLUTION NO. 302**

**ACCEPT RESIGNATION  
RETIREMENT/NICK GATTI**

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

RESOLVED, that the Town Board accepts the resignation/retirement of Nick Gatti, Motor Equipment Operator in the Department of Environmental Management and Engineering, effective July 15, 2016.

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



**RESOLUTION NO. 303**

**SUPERVISOR'S EXECUTIVE  
ASSISTANT/VICKI CARAMANTE  
INCREASE IN FUNDING**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Bottari and on a roll call was adopted:

RESOLVED, that upon the recommendation of the Supervisor, the Town Board approves the adjustment of the 2016 budget line A.1220.015, from \$38,096 to \$58,000, to reflect an increase in hours required, for the Supervisor's Executive Assistant, Vicki Caramante. This change makes this a full-time equivalent position entitled to healthcare benefits under the Affordable Care Act.

Ayes: Supervisor Stewart, Councilperson Bottari, Valentine  
Noes: Councilperson Troy, Diviny

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**RESOLUTION NO. 304**

**GRANT PERMISSION/KEN SKIBINSKI  
ATTEND NEWEA & NYWEA JOINT  
SPRING MEETING & TECHNICAL  
CONFERENCE**

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

RESOLVED, that the Town Board grants permission to Ken Skibinski to attend the NEWEA & NYWEA Joint Spring Meeting & Technical Conference, Mystic, CT, from June 5-8, 2016 at a total cost of \$1,017.00. (\$882.00 charged to Account No. 8130.441 and \$135.00 charged to Account No. 8130.480.

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

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**RESOLUTION NO. 305**

**PAY VOUCHERS**

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

RESOLVED, upon the recommendation of the Finance Director, Jeff Bencik, 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 for a total amount of \$2,464,054.04.

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

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**RESOLUTION NO. 306**

**ADJOURNED/MEMORY**

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

RESOLVED, at 10:05 p.m., the Town Board adjourned, in memory of Dorothy Byrne, Orangeburg; Raymond Fornario, California/formerly Blauvelt; Maureen Shanahan, Pearl River; Verna Whalen, Pearl River and Isabel V. Wortendyke, Upper Nyack.

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

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Charlotte Madigan, Town Clerk