

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, MAY 2, 2017**

This meeting was opened at 7:34 p.m. Deputy Supervisor Ryff presided and the Deputy Clerk called the roll. Present were:

Councilman Thomas Diviny  
Councilman Paul Valentine  
Councilman Gerald Bottari  
Deputy Supervisor Allen Ryff

Absent: Supervisor Andrew Stewart  
Absent: Councilman Denis Troy

Also present: Gerri Orlik, Deputy Clerk  
John Edwards, Town Attorney  
Teresa Kenny, Deputy Town Attorney  
Jeff Bencik, Finance Director  
James Dean, Superintendent of Highways  
John Giardiello, Director of OBZPAE  
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.  
Kevin Nulty, Police Chief

Pledge of Allegiance to the Flag of the United States of America was led by Esta Baitler.

The Town Board recognized May 2017 as Building Safety Month and Mental Health Awareness Month; National Police Week, May 14-20<sup>th</sup> and National Public Works Week, May 21-27<sup>th</sup>.

Summary of Public Comments (RTBM):

Ruth Weber, representing the Upper Grandview Association, - Officials limit taxpayers to three minutes as oppose to free speech at open meetings, without right to rebuttal.

A filed FOIL request for sworn duties of the Supervisor and the Town Board languished for weeks. The overworked Town Clerk's Office, to the rescue, found the duties in the NYS Town Library. According to NYS Town Law, the Supervisor and Town Board must prevent and protect us from fires and any change in law on public land uses (Mountain Bikes), demands an open hearing, with at least 10 days advance public notice.

Doris Bauman, Tappan, - The truth behind the aged old story of King Solomon and the baby has much in common with the current battle (Mountain Bikes) riding on Clausland Mountain. By killing natural beauty with trumped up trails for selfish destructive amusement, even timed races, Councilmen, your decision needs second thought, it lacks Solomon's wisdom and common sense. Paul Kubarych, Tappan, - is opposed to the Mountain Bikes using the contaminate Nike Base as an entrance or staging area. He does not understand why, the Town has to be exposed to large costs for litigation and injuries. At minimum, they should pay for a permit and each person should carry some form of insurance against personal injury.

Esta Baitler, Sparkill, - It is out of character to label people with mental illnesses. A better term is intellectual disabilities. She is very happy with the sidewalks along Route 340.

Allyson Sullivan, Blauvelt, - Since January, Clean Air for Orangetown has received 84 complaints (horrific odors coming from Aluf). To say this is affecting our quality of our life is an understatement. Aluf continues to be in non-compliance with the Town Code and misleads the Orangetown residents by making claims it is not them. Is there anything the Town can do to stop Aluf, while they make violation changes?

Mike Mandel, Vice-President of the Pearl River Parks Committee, - the fireworks are paid for by donations from local businesses and residents. The committee appreciates all of the assistance from the Police and the Town.

Thom Kleiner, Sparkill, - asked for the Town to check the condition of Parkway Drive, South.

Eileen Larkin, Palisades, - the New & Accurate Map of the World (hanging in Town Hall) is fabulous. If the building is renovated or rebuilt, this map should be saved.

James Riley, Pearl River, mobile storage containers or structures (pods) are inappropriate to be left on properties permanently. Taxes are not being paid and the Town Board should explore this.

**RESOLUTION NO. 225**

**CLOSE PUBLIC COMMENTS**

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

**RESOLVED**, that the public portion is hereby closed.

Ayes: Councilpersons Valentine, Diviny, Bottari

Noes: None

Absent: Supervisor Stewart, Councilperson Troy

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**RESOLUTION NO. 226**

**OPEN PH/ TEMPORARY  
MORATORIUM/TELECOMMUNICAT  
IONS FACILITIES AND STRUCTURES**

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

**RESOLVED**, that the 8:10 P.M. public hearing to consider a local law, adopting a temporary moratorium on the construction or installation of new, or the expansion of existing, telecommunications facilities and structures within the unincorporated Town, is hereby opened.

Ayes: Councilpersons Diviny, Bottari, Valentine

Noes: None

Absent: Supervisor Stewart , Councilperson Troy

The Deputy Clerk presented the Affidavit of Publication and Notice of Posting; copies are labeled Exhibit 05-A-17 and made a part of these minutes.

Summary of Public Comments:

Donald Brenner, Attorney, - his client's application for an antenna on Blaisdell Road is currently before the Planning Board. His client has paid for a consultant, studies and large Town costs and he wants his client to be grandfathered in.

James Riley, Pearl River, - infavor of this Local Law. It is appropriate and necessary. He suggested, minor wording be changed in Section 5 – Existing Application.

**RESOLUTION NO. 227**

**CLOSE PH/TEMPORARY MORATORIUM  
TELECOMMUNICATIONS FACILITIES  
AND STRUCTURES**

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

**RESOLVED**, that the public portion is hereby closed.

Ayes: Councilpersons Diviny, Bottari, Valentine

Noes: None

Absent: Supervisor Stewart, Councilperson Troy

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**RESOLUTION NO. 228**

**SEQRA FINDING/TEMPORARY  
MORITORIUM / TELECOMMUNICATIONS  
FACILITIES AND STRUCTURES**

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

**WHEREAS**, the technology associated with telecommunications and telecommunications facilities, including the siting of monopoles, towers, antennas, and similarly purposed structures, has changed significantly since 1997, when the Town when the adopted its

**RESOLUTION NO. 228 - Continued**

regulations relating thereto, made a part of the Town Code at Chapter 43 (Zoning), Article VIII, § 8.15 (“Wireless Communications Facilities”); and

**WHEREAS**, in the light of such technological advances, the Town Board believes that its regulations may not adequately address the types and siting of these facilities within and throughout the Town; and

**WHEREAS**, in recognition of the potential shortcomings of the existing law, and the need to update the Town Code in order to address new, and rapidly changing, technologies, the Town Board wishes to have the Town Planning Board, aided by the Town Attorney, the Town Architectural and Community Board of Review, and any outside consultant (if and as may reasonably be required) study the issues, and to make recommendations to the Board, regarding amendments to the Town Code in the best interests of the residents of the Town; and

**WHEREAS**, pending the completion of such study and the delivery of such recommendations, the Town Board has concluded that it is in the best planning interests of the Town to maintain the status quo by the adoption of a moratorium, suspending temporarily the construction or installation of new, or expansion of existing, facilities and structures; and

**WHEREAS**, the Town Board, prior to taking action on the proposed law wishes to document its consideration of same in the light of SEQRA,

**NOW, THEREFORE**, the Town Board finds and resolves, as follows:  
The adoption of the proposed Local Law, enacting a moratorium, suspending temporarily the construction or installation of new, or expansion of existing, facilities and structure is a Type II action under the implementing regulations that govern review under SEQRA, and, more specifically, 6 N.Y.C.R.R. § 617(c)(30). As such, the proposed Local Law is not subject to review under SEQRA;

Even if the proposed law/action were subject to environmental review as an “unlisted” action, having taken a hard look at such action, including the relatively short duration of the moratorium, the hardship escape provision contained therein, and other features of the proposed law, the Town Board concludes that there will be no significant adverse environmental impact as a result of the adoption and implementation of the proposed moratorium,

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

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**RESOLUTION NO. 229**

**ADOPT/ LOCAL LAW 4, 2017  
TEMPORARY MORITORIUM  
TELECOMMUNICATIONS  
FACILITIES AND STRUCTURES**

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

**WHEREAS**, the Town Board of the Town of Orangetown is the duly elected legislative body authorized to adopt local laws pertaining to zoning within the boundaries of the Village; and

**WHEREAS**, the Town Board has before it a proposed local law which, if adopted, would effect a temporary moratorium on the construction or installation of new, or the expansion of existing, telecommunications facilities and structures within the unincorporated Town, except as otherwise expressly exempted therein; and

**WHEREAS**, following notice duly published and posted as provided by law, a public hearing was conducted, on this date, May 2, 2017, before the Town Board at which all interested parties were given the opportunity to be heard; and

**RESOLUTION NO. 229 - Continued**

**WHEREAS**, the proposed Local Law and related documents were duly circulated to the Rockland County Planning Department for its review and comment, pursuant to General Municipal Law §§ 230 l & m, and

**WHEREAS**, by separate resolution of even date herewith, and prior to the adoption of this resolution, and the Local Law enacted hereby, the Town Board has determined that the proposed Local Law is a Type II action under SEQRA, and, as such, is exempt from review thereunder, with the further finding that, even if the proposed law were subject to environmental review, as an “unlisted” action, for reasons stated, the adoption of the law will not have any significant adverse environmental impact,

**NOW, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, BE IT RESOLVED**, that the Town Board hereby adopts the proposed local law, implementing a temporary moratorium on the construction or installation of new, or the expansion of existing, telecommunications facilities and structures within the unincorporated Town, except as otherwise expressly exempted therein.

Ayes: Councilpersons Diviny, Bottari, Valentine

Noes: None

Absent: Supervisor Stewart, Councilperson Troy

**TOWN OF ORANGETOWN  
LOCAL LAW 4, 2017  
TEMPORARY MORATORIUM  
TELECOMMUNICATIONS FACILITIES AND STRUCTURES**

BE IT ENACTED by the Town Board of the Town of Orangetown, New York, as follows:

*Section 1:* The Town Board of the Town of Orangetown by the adoption of this Local Law, implements a temporary moratorium on the construction or installation of new, or the expansion of existing, telecommunications facilities and structures within the unincorporated Town. As adopted, this local law shall read as follows:

**TEMPORARY MORATORIUM ON THE CONSTRUCTION OR INSTALLATION OR  
EXPANSION OF TELECOMMUNICATIONS FACILITIES AND STRUCTURES**

§ 1. Enactment and Authorization

The Town Board of the Town of Orangetown does hereby enact the Town of Orangetown Moratorium on Communications Towers, Monopoles, Antennas and Other Communications Facilities and Structures, pursuant to the authority and provisions of Municipal Home Rule Law § 10(1)(i) and § 10(1)(ii)(a)(11), (12) and the Statute of Local Governments § 10(6), (7) of the State of New York.

§ 2. Title

This local law shall be known as the Town of Orangetown Temporary Moratorium on Communications Towers, Monopoles, Antennas and Other Telecommunications Facilities and Structures.

§ 3. Purpose

The Town Board finds that the technology associated with telecommunications facilities, including monopoles, towers, antennas, and similarly purposed structures has changed significantly since the Town’s enactment of the 1997 local law, entitled “Wireless Communications Facilities”, made a part of the Town Code at Chapter 43 (Zoning), Article VIII, § 8.15, and that, as a result of such technology changes, the Town Code does not adequately regulate the siting of these facilities, including but not limited to distributed antenna systems, within and throughout the Town.

## LOCAL LAW 4, 2017 - Continued

Recognizing the shortcomings of the existing law, and the need to update the Town Code in order to address new, and rapidly changing, technologies, the Town Board has requested that the Town Planning Board, aided by the Town Attorney, the Town Architectural and Community Board of Review, and any outside consultant (if and as may reasonably be required) to study the issues, and to make recommendations to the Board, regarding amendments to the Town Code in the best interests of the residents of the Town. Pending the completion of such study and the delivery of such recommendations, the Town Board believes it to be in the best planning interests of the Town to maintain the status quo by suspending temporarily the construction or installation of new, or expansion of existing, facilities and structures. The purpose of this law is to effect that result.

### § 4. Imposition of Temporary Moratorium

For a period of one hundred eighty (180) days from and after the adoption of this local law, there shall be no granting of building permits, site plan approvals, variances, special permits, zone changes or other approvals for the construction, erection and/or installation of new telecommunications towers, monopoles and antennas or other telecommunications facilities or structures within the unincorporated Town of Orangetown, except that this moratorium shall not apply to the placement of additional antennas or equipment on existing telecommunications towers.

### § 5 Existing Applications.

The moratorium implemented hereby shall not apply to otherwise covered building permits, or other approvals of applications, issued before the effective date of this local law which have not been closed out by the issuance of a certificate of occupancy or certificate of compliance, or to other complete land use approval applications which have been filed and have received preliminary and/or final approval prior to the effective date hereof.

### § 6. Hardship.

A. Relief from the Town Board. Any applicant for a permit or other land use board approval required for the construction or installation adversely affected by this moratorium who or which shall suffer an unnecessary hardship by reason of the strict enforcement of this local law may apply to the Town Board, in writing, in the manner hereinafter set forth, for relief. Such relief, if granted, shall be the minimum relief necessary to mitigate such hardship. For purposes of this moratorium, the term “unnecessary hardship” shall not include the mere delay in being permitted to make application for the required permit or approval for the period of the moratorium.

B. Substantive requirements for relief. No relief shall be granted from the moratorium imposed by this local law unless the Town Board shall specifically find, by resolution duly adopted upon written application, and only after review and comment by the Rockland County Planning Department, in accordance with the provisions of General Municipal Law § 239 l & m:

- (1) That the failure to grant an exemption will cause the applicant unnecessary hardship which, on balance, is substantially greater than the harm to the general public if the exemption is granted;
- (2) That the exemption, if granted, will clearly have no adverse effects upon the Town’s goals in enacting the moratorium, including potential adverse environmental and other effects that might result if the requested permit issued or other approval is granted;
- (3) That the project or use sought to be permitted or approved is in harmony with the existing character of the community as a whole, and the immediate neighborhood in particular, and otherwise will not result in any unreasonable impact on the surrounding and nearby properties;
- (4) No exemption granted hereunder by the Town Board shall in any way be binding upon any land use board that might later be permitted or required to consider the application as a result of the exemption, it being expressly understood that the level of review undertaken by the Town Board is not intended to be of the same magnitude or detail as that required during the approval process.

**LOCAL LAW 4, 2017 - Continued**

C. Procedure for exemption. Upon submission of a written application to the Town Clerk for exemption from the provisions of the moratorium, the Town Board shall, within 30 days, schedule a public hearing, upon ten (10) days' notice published in the Official newspaper of the Town, the cost of which shall be paid by the applicant. Further written notice of such hearing shall be mailed to all property owners within 200 feet of the boundaries of the property on which the structure or facility is to be constructed or installed, certified, return receipt requested. At the public hearing the applicant and all interested parties shall be heard. The public hearing may be continued by the Town Board, in its sole discretion, provided, however, that a decision whether to grant relief in the nature of exemption, and on what specific terms, shall be made within 30 days of the close of the hearing.

Any relief granted by the Town Board from the provisions of the moratorium shall be the minimum relief necessary to mitigate the applicant's hardship from strict compliance with its terms.

§ 7. Severability.

If any part or provision of this local law, or the application thereof to any person or circumstance, is adjudged invalid or unconstitutional by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law, or the application thereof to other persons or circumstances. The Town Board hereby declares that it would have enacted the remainder of this local law even without any such invalid or unconstitutional part, provision or application.

*Section 2:* This Local Law shall take effect immediately upon filing with the Secretary of State.

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**RESOLUTION NO. 230**

**SCHEDULE PH/AMEND CHAPTER 5  
APPLICABILITY OF UNIFORM CODE**

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

**RESOLVED**, that the Town Of Orangetown hereby sets a Public Hearing on May 16, 2017 at 8:05 PM to consider the applicability of § 5-1, the New York State Uniform Fire Prevention and Building Code (Uniform Code) and the State Energy Conservation Construction Code (Energy Code).

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

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**RESOLUTION NO. 231**

**AMEND RESOLUTION NO. 195-2017  
CHANGE DATE OF PUBLIC HEARING  
ENTITY DISCLOSURE LAW**

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

**RESOLVED**, that Resolution No. 195/2017 is hereby amended, rescheduling the public hearing for the Entity Disclosure Law to May 16, 2017 at 8:15 P.M.

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

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**RESOLUTION NO. 232**

**CANCEL/AGREEMENT / FRONTIER COMMUNICATIONS, INC. /TELEPHONE & VOICE RECORDING SYSTEM**

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

**WHEREAS** the Town of Orangetown entered into a contract dated November 1, 2016 with Frontier Communications, Inc. for the purchase and installation of a telephone and E-911 voice recording system; and

**WHEREAS**, the Director of Automated Services is concerned with the ability of Frontier Communications, Inc. to complete the terms of the agreement and wishes to cancel said agreement prior to installation or delivery; and

**NOW**, based upon all the information before the Town Board, and the findings hereinbefore made,

**RESOLVED**, that upon the recommendation of the Director of Automated Services, the Town Board hereby authorizes the Supervisor to execute a letter, on behalf of the Town, as proposed and written, to FRONTIER COMMUNICATIONS, INC. notifying them of the cancellation of the contract dated November 1, 2016.

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

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**RESOLUTION NO. 233**

**COOPERATIVE LICENSE AGREEMENT  
PALISADES INTERSTATE PARK  
COMMISSION/ BIKE BYPASS  
GREENBUSH ROAD AT ROUTE 303  
BLAUVELT STATE PARK**

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

**WHEREAS**, the Town of Orangetown has applied to New York State, acting through the Dormitory Authority of the State of New York (“DASNY”), for a grant to construct a paved bicycle/pedestrian path, on the east side of Rte. 303, that, when complete, will connect the two ends of Greenbush Road in Blauvelt bypassing the dangerous condition that presently exists at the intersection of Route 303 at Greenbush Road; and

**WHEREAS**, the proposed 1300 foot long, eight-foot wide paved path will require a twenty-foot wide license on Palisades Interstate Park Commission (“PIPC”) parkland on the east side of Route 303 within Blauvelt State Park (the “Licensed Premises”); and

**WHEREAS**, the PIPC has proposed a cooperative license agreement between it and the Town, allowing the use of the Licensed Premises by the Town for the stated purpose, subject to the review and approval of DASNY for compliance with the grant’s parameters,

**NOW, THEREFORE, BE IT RESOLVED**, upon the recommendation of the Town Attorney, the Town of Orangetown hereby approves the execution of a Cooperative License Agreement with the PIPC, contingent on approval by DASNY, and further authorizes the Supervisor or his designated representative to sign such agreement if and when approved by DASNY, and execute any and all other documents as may be required to effectuate this resolution.

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

**RESOLUTION NO. 234**

**AGREEMENTS/ROCKLAND COUNTY  
SOLID WASTE AUTHORITY  
TRANSPORTATION/PROCESSING  
AND COMPOSTING OF DEWATERED  
SLUDGE AND SIDE STREAMS**

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

**RESOLVED**, that the Town Board approves two Inter-municipal Agreements with the Rockland County Solid Waste Authority, as follows:

1. Inter-municipal Agreement, providing for the transportation, processing and composting of dewatered sludge generated by Orangetown Sewer District #2 Wastewater Treatment Plant; and
2. Inter-municipal Agreement, providing for the collection, temporary storage and disposal by a designated hauler of Acceptable Side Streams from Orangetown Sewer District #2.

Each of the aforesaid agreements, required for the operation of the Town's wastewater treatment plant and related collection facilities in compliance with the plant's N.Y.S. SPDES Permit, and the applicable regulations of the N.Y.S. DEC, is for a period of 5-years, with a renewal term of three (3) additional five-year terms; and,

**BE IT FURTHER RESOLVED**, that each of the Town Board members and the Commissioner of the Department of Environmental Management and Engineering, as the case may be, shall be authorized to execute the said agreements and any other or additional documents as may be required in order to effectuate the purposes of such agreements.

Ayes: Councilpersons Diviny, Bottari, Valentine

Noes: None

Absent: Supervisor Stewart, Councilperson Troy

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**RESOLUTION NO. 235**

**AWARD BID/ABATEMENT -  
DEMOLITION /THE BLUE HILL  
HOUSE/BLUE HILL COTTAGE/ NARI  
CONSTRUCTION**

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

**RESOLVED**, that upon the recommendation of the Superintendent of Parks and Recreation, the bid for the abatement/demolition of the Blue Hill House/Blue Hill Cottage is hereby awarded to Nari Construction LLC, of Lincoln Park, NJ the only bidder, in the amount of \$66,000.00.

Ayes: Councilpersons Valentine, Bottari, Diviny

Noes: None

Absent: Supervisor Stewart, Councilperson Troy

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**RESOLUTION NO. 236**

**SHOWMOBILE/NYACK AMERICAN  
LEGION POST 310/MEMORIAL DAY**

Councilman Diviny 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 the



**RESOLUTION NO. 236 - Continued**

Nyack American Legion Post 310 for their Memorial Day Parade on Monday, May 29, 2017 at a rental cost of \$400.00 with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

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

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**RESOLUTION NO. 237**

**SHOWMOBILE/VILLAGE OF NYACK  
AFRICAN AMERICAN FESTIVAL**

Councilman Diviny 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 the Village of Nyack for their African American Festival on Saturday, June 3, 2017 at a rental cost of \$400.00 with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

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

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**RESOLUTION NO. 238**

**RETIREMENT/ALLAN SEEBACH  
PARKS DEPT.**

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

**RESOLVED**, that the Town Board accepts with regret, the retirement of Allan Seebach, Department of Parks, Recreation, and Facilities, effective April 30, 2017; and

**BE IT FURTHER RESOLVED** that upon recommendation of the Superintendent of Parks and Recreation, Mr. Seebach shall be issued a "Gold Card" granting him free access to golf at both Blue Hill and Broadacres golf courses in recognition of his 30 years of service at Blue Hill Golf Course as Assistant Greenskeeper, acting Head Greenskeeper, and Head Greenskeeper.

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

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**RESOLUTION NO. 239**

**CREATE POSITION / PUBLIC  
HEALTH ENGINEER AND ZONING  
ENFORCEMENT OFFICER/DEME**

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

**RESOLVED**, that upon the recommendation of Rockland County Personnel and the Human Resources Coordinator, create the position of Public Health Engineer and Zoning Enforcement Officer, Grade 20, Step 1, at a salary of \$83,680.00. The position will work under the DEME (Department of Environmental Management and Engineering), is budgeted and is approved by CSEA.

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

**RESOLUTION NO. 240**

**DASNY GRANT DISBURSEMENT  
AGREEMENT / SIDEWALKS  
PALISADES COMMUNITY CENTER  
OAK TREE RD / ROUTE 9W**

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

**WHEREAS**, the Town has previously applied for a grant from the Dormitory Authority of the State of New York (“DASNY”) for the construction of a sidewalk between the Palisades Community Center and the intersection of Oak tree and Route 9w; and

**WHEREAS**, the said grant was approved and awarded in the sum of \$150,000.00; and

**WHEREAS**, the Town has completed all work required in order to obtain reimbursement up to the stated amount and is now required to execute a Grant Disbursement Agreement with DASNY for the receipt of the approved funding,

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board hereby approves a certain Grant Disbursement Agreement with DASNY, and authorizes the Town Supervisor and the Superintendent of Highways, or their designated representative(s), to execute said agreement on behalf of the Town and to take all such further steps as may be required to obtain the said grant funding.

Ayes: Councilpersons Valentine, Diviny, Bottari

Noes: None

Absent: Supervisor Stewart, Councilperson Troy

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**RESOLUTION NO. 241**

**AFFIRM TOWN OWNERSHIP /SPARKILL  
DEPOT SQUARE/MAIN STREET TO  
MAIN STREET**

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

**RESOLVED**, that the Town Board hereby affirms that the Town of Orangetown owns and maintains the described road and length - ID #194995 - Depot Square, Sparkill, NY, as follows:

Depot Square - from Main Street to Main Street - road section length - 0.14 miles and pavement width is 0.22. The total length of the road owned and maintained by the Town of Orangetown is - 0.14.

Ayes: Councilpersons Diviny, Bottari, Valentine

Noes: None

Absent: Supervisor Stewart, Councilperson Troy

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**RESOLUTION NO. 242**

**AFFIRM TOWN OWNERSHIP  
MARYCREST ROAD, WEST NYACK**

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

**RESOLVED**, that the Town Board hereby affirms that the Town of Orangetown owns, maintains and has legal responsibility for the described road and length - ID # 194835 - Marycrest Road in West Nyack as follows:

- Marycrest Road - from begin loop to end loop - road section length - 0.34 miles and pavement width is 27'

**RESOLUTION NO. 242 - Continued**

- Marycrest Road - from the end loop to Ahlmeyer Drive - road section length - 0.50 miles and pavement width is 30'
- Marycrest Road - from Ahlmeyer Drive to the Palisades Interstate Parkway ramp - road section length - 0.24 miles and pavement width is 30'

The total length of the road owned and maintained by the Town of Orangetown is - 1.08

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

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**RESOLUTION NO. 243**

**GRANT PERMISSION/JAMES J. DEAN  
SWANA CONFERENCE/LAKE GEORGE**

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

**RESOLVED**, that the Town Board hereby authorizes James J. Dean, Superintendent of Highways, to attend the Federation of NY Solid Waste Association, Solid Waste and Recycling Conference from May 21-24, 2017, Lake George, NY, as a speaker and conference participant at a cost of \$1,240.80, to be charged to account #D.5140.457.

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

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**RESOLUTION NO. 244**

**SURPLUS/HIGHWAY DEPARTMENT**

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

**RESOLVED**, that upon the recommendation of the Superintendent of Highways, approve for surplus the following equipment:

- 2002 Ford F550 1FDAF57F02ED56637
- 2005 Int. Lightning Loader 1HTMMAAN55H125304
- 2005 F550 Rack truck 1FDAF57P65EC33499
- 2005 F550 Dump-Plow 1FDAF57P05EC33501
- 1998 Snap-On MM300L mig combination welder (Ser.MM3-276)
- 2003 Thermal Dynamics Plasma Cutter Cut Master 50 (Ser. 02331997)
- 2- 12' Frink snow plows, power angle worm gear driven
- 13- Tailgate mounted plastic tanks with framework and supports, 5 of these tanks have electric pumps (each tank approx. 80 gallons)
- Behind cab mounted rectangle plastic tank with framework (approx. 80 gallons)
- Trackless snow thrower / Model- B, Serial- 1346

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

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**RESOLUTION NO. 245**

**AID/TAPPAN COMMUNITY GARAGE  
SALE FUNDRAISER**

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

**RESOLUTION NO. 245 - Continued**

**RESOLVED**, that the Town Board authorizes the Highway & Police Depts., to lend assistance, including equipment & personnel, as may be required, for the Tappan Community Garage Sale Fundraiser for the Noble Ninth, for the restoration of the old Mason's retirement home, to be held on Saturday, May 20, 2017 (rain date: 5.21.17) from 9 am to 4 pm.

Ayes: Councilpersons Diviny, Bottari, Valentine

Noes: None

Absent: Supervisor Stewart, Councilperson Troy

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**RESOLUTION NO. 246**

**AID/5K NUN RUN/ BLAUVELT**

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

**RESOLVED**, that the Town Board hereby authorizes the Highway & Police Departments to lend assistance which includes barricades and police detail, for the 5K Nun Run in Blauvelt on Saturday, May 13, 2017, from 8:30 am to 11:30 am.

Ayes: Councilpersons Diviny, Bottari, Valentine

Noes: None

Absent: Supervisor Stewart, Councilperson Troy

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**RESOLUTION NO. 247**

**AID/RELAY FOR LIFE/PEARL RIVER**

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

**RESOLVED**, that the Town Board hereby authorizes the Highway & Police Departments to lend assistance, which includes barricades, recycling kiosks, verticades, reflective caution tape, trash bags, KRB cans & message board and no parking signs & handicap parking signs for the Relay for Life walk at the Central Avenue Field in Pearl River on Saturday, June 10 thru Sunday, June 11, 2017, from 5 pm to 5 am.

Ayes: Councilpersons Diviny, Valentine, Bottari

Noes: None

Absent: Supervisor Stewart, Councilperson Troy

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**RESOLUTION NO. 248**

**AGREEMENT / GHD CONSULTANTS  
ENGINEERING/REDUCTION  
RESIDIAL CHLORINE**

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

**WHEREAS**, the NYSDEC has revised the requirement in the Orangetown Sewer District #2 SPDES permit of final effluent limitation for Total Residual Chlorine: and,

**WHEREAS**, an engineering report is required to be submitted detailing the design basis, treatment unit type and sizing that will be used to comply with said requirement; and,

**WHEREAS**, three engineering firms were contacted to submit prices to write the engineering report; and,

**WHEREAS**, GHD Engineers is qualified to write this report and submitted the lowest price,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board approves an agreement with GHD Engineers to write and submit an engineering report to comply with the

**RESOLUTION NO. 248 - Continued**

latest NYSDEC requirement regarding Total Residual Chlorine in the final effluent for \$5,500.00.

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

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**RESOLUTION NO. 249**

**SURLPUS/ FIRE PREVENTION**

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

**RESOLVED**, that on the recommendation of the Chief Fire Inspector, the Town Board hereby declares as surplus one 1999 Crown Victoria with over 104,000 miles VIN 2FAFP71W3XX200017.

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

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**RESOLUTION NO. 250**

**SEWER WORK 2017/ CERTIFICATE OF REGISTRATION**

Under new business, Councilman Valentine offered the following resolution, which was seconded by Councilman Diviny 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 2017 Sewer Work is approved to:

TAL SERVICES, LLC, 176 West Erie Street, Blauvelt, NY 10913-1251

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

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**RESOLUTION NO. 251**

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

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

**RESOLVED**, that the following documents are accepted, received and filed in the Town Clerk's Office:

1. Agreement with Hi-Tor Animal Care Center for 2017.
2. Town Board Meeting minutes: Regular Town Board Meetings 2/7/17, 3/7/17, and 3/21/17; Police Commission/Workshop 2/28/17; and Public Hearings/Workshops 3/14-15/17 and 3/28/17.
3. Appraisal for Town-Owned RPC property, Convent Road (Parcel 6).
4. Grant Agreement / TZB CBF Grant Award: "Enhanced Public Safety and Emergency Incident Response".
5. Agreement with the County of Rockland: Regional Investigative Resource Center (RIRC),
6. Agreement: Site Access & Exclusivity (73.15-1-17 & 17.1) – Russo Acquisition.
7. Agreement: The New NY Bridge Project – D214580 (NYS Thruway Authority 3/20/17).

**RESOLUTION NO. 251 – Continued**

8. Agreement: Orangetown Mighty Midgets (OMM) – New Turf Soccer Field.
9. Agreement: Between OMM and Sprinturf, LLC for installation of Synthetic Turf.
10. Agreement: CANDLE - 2017

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

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**RESOLUTION NO. 252**

**INTENTION TO BE LEAD AGENCY  
SEQRA /CIRCULATION LETTER  
ENTITY DISCLOSURE LAW**

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

**WHEREAS**, the Town Board, in furtherance of its desire to provide for the protection and promotion of the public health, safety, morals, comfort, convenience, prosperity and other aspects of the general welfare of the Town has adopted, implemented, amended and provided for the enforcement of the Zoning Code of the Town of Orangetown, and,

**WHEREAS**, the Town Board finds and determines that there is a critical and compelling need, in the public interests as set forth herein, to provide for full and fair disclosure of all privately held and/or non-publically traded entities making land use applications before the Town to the extent possible to ensure that any and all potential conflicts of interest or other ethical concerns are properly disclosed and addressed by any and all affected parties, and

**WHEREAS**, the Town Board finds and determines that such disclosure will inform the public and the Town concerning the names of individuals with a vested interest in land use applications, will facilitate application review by the reviewing boards, will disclose actual or potential conflicts of interest and enhance enforcement of the code, and

**WHEREAS**, the Town Board wishes to proceed with its consideration of the proposed action toward which end it wishes to commence the environmental review process, as well as other required review by other interested agencies; and

**WHEREAS**, upon review of the proposed Local Law, Short Environmental Review Form, related documents and filings, the Board makes the following preliminary determinations:

- a. The proposed actions is one that is subject to review under the New York State Environmental Quality Review Act (SEQRA); and
- b. The proposed action is an “Unlisted” action pursuant to SEQRA regulations; and
- c. The following are involved or interested agencies in the review process, or otherwise should be heard as to the proposed change:

Orangetown Planning Board  
Rockland County Department of Planning  
Rockland County Highway Department  
New York State Department of Transportation  
Village of Nyack  
Village of South Nyack  
Village of Grandview  
Village of Piermont  
Town of Clarkstown  
Town of Ramapo  
Village of Chestnut Ridge  
Borough of Northvale, New Jersey  
Borough of Old Tappan, New Jersey  
Borough of Montvale, New Jersey

**RESOLUTION NO. 252 - Continued**

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review of the proposed action under SEQRA, and directs that a Lead Agency Coordination Letter with relevant documents be circulated among the various above referenced agencies; and

**BE IT FURTHER RESOLVED**, that the circulation to the Rockland County Department of Planning shall be for the purpose of review pursuant to General Municipal Law §§ 2398 (l) and (m); and

**BE IT FURTHER RESOLVED**, that pursuant to Town Code Chapter 43, §10.5, the Town Board hereby refers said proposed Local Law to the Town Planning Board, inviting its input regarding such amendment and requesting a response within thirty days.

Ayes: Councilpersons Diviny, Valentine, Bottari

Noes: None

Absent: Supervisor Stewart, Councilperson Troy

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**RESOLUTION NO. 253**

**2016 BUDGET LINE REALLOCATIONS**

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

**RESOLVED**, that the Town Board approves the following 2016 Budget line reallocations (Exhibit 05-B-17):

2016 General Fund Amended Budget Lines:  
Exhibit                      JE 4054 & JE 4059

2016 TOV Fund Amended Budget Lines:  
Exhibit                      JE 4055 & JE 4060

2016 Highway Fund Amended Budget Lines:  
Exhibit                      JE 4058 & JE 4061

2016 Deme Fund Amended Budget Lines:  
Exhibit                      JE 4056

2016 Debt Fund Amended Budget Lines:  
Exhibit                      JE 4057

Ayes: Councilpersons Diviny, Valentine, Bottari

Noes: None

Absent: Supervisor Stewart, Councilperson Troy

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**RESOLUTION NO. 254**

**APPLIED GOLF/CAPITAL REQUEST  
BROADACRES GOLF COURSE**

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

**WHEREAS**, Applied Golf has been allowed \$100K in capital improvements through its contract with the Town of Orangetown to manage Broadacres Golf Course; and

**WHEREAS**, Applied Golf has not used any of the allowance; and

**WHEREAS**, the irrigation pumping system has been deemed beyond repair;

**RESOLUTION NO. 254 - Continued**

**RESOLVED**, that the Town of Orangetown hereby authorizes Applied Golf to replace the irrigation pumping system at a cost not to exceed \$45,000.

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

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**RESOLUTION NO. 255**

**APPLIED GOLF/CAPITAL REQUEST  
BLUE HILL GOLF COURSE**

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

**WHEREAS**, Applied Golf has been allowed \$300K in capital improvements through its contract with the Town of Orangetown to manage the Blue Hill Golf Course; and

**WHEREAS**, Applied Golf has not used any of the allowance; and

**WHEREAS**, on Hole #5 of the Pines Golf Course the water management piping is inoperable;

**RESOLVED**, that the Town of Orangetown hereby authorizes Applied Golf to repair the water management piping at a cost not to exceed \$25,000.

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

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**RESOLUTION NO. 256**

**PAY VOUCHERS**

Councilman Diviny offered the following resolution, which was seconded by Councilman Bottari 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 seven (7) warrants for a total amount of \$2,446,091.97.

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

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**RESOLUTION NO. 257**

**ADJOURNED/MEMORY**

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

**RESOLVED**, at 8:44 pm, the Town Board adjourned in memory of Joseph David Alexander, 43, formerly of Pearl River and Martin Ceresnik, 38, of Pearl River.

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

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**Gerri Orlik, Deputy Clerk**