

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, JUNE 6, 2017**

This meeting was opened at 7:30 p.m. Supervisor Stewart presided and Town Clerk Madigan called the roll. Present were:

Councilman Denis Troy
Councilman Thomas Diviny
Councilman Paul Valentine
Councilman Gerald Bottari
Supervisor Andrew Stewart

Also present: Charlotte Madigan, Town Clerk
John Edwards, Town Attorney
Teresa Kenny, Deputy Town Attorney
Jeff Bencik, Finance Director
Brian Kenney, Assessor
James Dean, Superintendent of Highways
Joseph Moran, Commissioner of DEME
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: Esta Baitler.

Auxiliary Police Officer, Corinna Sandoval was presented with the "Lt. Jack Lyman Auxiliary Police Service Award". She is the first female officer to be honored. This award is designed to recognize a current member of the Auxiliary Police Unit, who has shown the same dedication, devotion and service as Jack Lyman.

Charlotte Madigan, Town Clerk, administered the Oath of Office to Police Sergeant Joseph Sullivan and Detective /Yourth Officer David Maddalena.

Brian Kenney, Assessor and Bill Beckmann, Beckmann Appraisals, spoke about the Equalization Rate. The Office of Real Property Tax Service (ORPS) sets the Equalization Rate for all. The initial market trending for Orangetown was put at 5% while Clarkstown had a zero increase. Our market data indicated the trend in Orangetown was less than 5%, and in the 3% range. Another problem that affected our equalization rate is a portion of a large commercial complex was taken off the tax roll and has now entered into a PILOT. A property that is paying a PILOT should not detrimentally affect the ratio at all. The State's appraisal for the Pfizer property over-valued the property on the Equalization Survey and the arms-length sale of \$40,000 to IRG should be considered. We are asking ORPS to make the above adjustments and rerun the numbers.

Summary of Public Comments:

Kathleen Kelley, Pearl River, is displeased with Aluf's Civil Compromise, by Dennis Michaels, Deputy Town Attorney. Mr. Michaels appeared to act unilaterally in his decision to withdraw and to dismiss all violations of the Orangetown Zoning Code and agreeing to settle the liabilities and fines for only \$12,500. Was Mr. Michaels advised to go to trial by his Supervisor? What will be the repercussions for this grievous act?

Eileen Larkin, Palisades, is not in favor of PILOT programs. She had many questions regarding the Equalization Rate. Brian Kenney should of stayed to answer questions.

Mike Mandel, Pearl River, the State says: the equalization rate is the total assessed value divided by the market value. The State records are different from the Town records. He figured out, by looking at the Assessor's records on-line, the Town market value increased 13.75%. Who is correct? He agrees, Brian Kenney should have stayed at the meeting.

Tanya Witek and Allyson Sullivan, Clean Air for Orangetown, are deeply disappointed with the legal outcome of the case against Aluf Plastics. The \$12,500 fine is the equivalent of pennies for this hug company with annual sales exceeding \$100 million and the resolution states that they take absolutely no responsibility for their actions. Although, there is a mitigation plan pending with the DEC, the odor problems are far from being resolved. What happens if the DEC plans

Summary of Public Comments - Continued

do not solve the odor problems at this decrepit facility? What are the health implications from long term exposure to these plastic fumes?

Amy Pritchett, Pearl River, echoed what everyone else said regarding Aluf Plastics. How does each of the Town Board members feel about Aluf’s settlement? What does the \$12,500 represent to the people who have to continue to smell these odors day in and day out?

Chris Day, Orangeburg, is shocked at Aluf Plastics settlement. We now have lost leverage. Violation fines need to be higher. The Landlord Registry and the Entity Disclosure law go hand-in-hand. We must make sure all neighbors are good neighbors.

Manna Jo Green, Hudson River Sloop Clearwater, appreciates the supporting resolution for their sail to Washington and for help in maintaining clean water and other environmental protections.

Mike Seliger, Orangeburg, supports the resolution for Clearwater and legislation that has led to a healthy Hudson River. This legislation and the Hudson River should not be neglected in the future.

Heather Hurley, Pearl River, disheartened by Aluf’s court settlement. Mr. Michaels was directed to go to trial but instead settled. Should he be fired or face disciplinary action. This is truly an injustice and insulting to the people of Orangetown, especially the people who live near Aluf.

Allan Ryff, Deputy Supervisor, concurs with previous speakers regarding Aluf. He spoke about Clearwater and their efforts for clean water.

Thom Kleiner, Sparkill, - Aluf has to follow the DEC standards and their Performance Standards have been approved. He spoke about climate change and encouraged the Town Board to consider his resolution.

RESOLUTION NO. 303

CLOSE PUBLIC COMMENTS

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, Troy, Valentine
Supervisor Stewart

Noes: None

RESOLUTION NO. 304

**AMEND ACCESS AGREEMENT
RUSSO DEVELOPMENT / TOWN
OWNED LANDS / 200 OLD
ORANGEBURG ROAD**

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

WHEREAS, on April 4, 2017 the Town Board approved an Access Agreement for Russo Development to conduct environmental assessment of Tax Lot 73.15-1-17, pursuant to Russo’s offer to purchase the land for data center development, and

WHEREAS, the Town is considering relocating public facilities from Tax Lot 73.15-1-17 to a portion of Tax Lot 72.12-1-3.1 on the RPC campus and needs Russo Development to provide certification of the location of wetlands and hence the extent of building area at this site, therefore, be it

RESOLVED, that the Town Board authorizes the amendment of Schedule “A” of the Access Agreement to include 200 Old Orangeburg Road, Tax Lot 72.12-1-3.1

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

Noes: None

RESOLUTION NO. 305

**SUPPORT/ HUDSON RIVER SLOOP
CLEARWATER'S SAIL /MAINTAIN
CLEAN WATER AND OTHER
ENVIRONMENTAL PROTECTIONS**

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

WHEREAS in 1970 Pete Seeger and the Hudson River Sloop Clearwater helped turn the tide in favor of enacting the 1972 Clean Water Act by sailing the Clearwater to Washington, DC and organizing an historic Capitol Hill forum on the need for federal clean water protections, where Seeger said,

“The problems of the American Rivers can’t be solved by people . . . who live on them. Only the Federal Government has the power to enact and enforce the laws that are needed;” and

WHEREAS the Hudson River and many American waterways are much cleaner and safer as a result of the implementation of the Clean Water Act, as well as other state and national environment protection legislation and regulations; and

WHEREAS issues of serious water pollution still plague communities from Flint, Michigan to the City of Newburgh or the Village of Hoosic Falls in New York; and

WHEREAS a clean, safe and healthy environment is foundational for a strong economy; and

WHEREAS existing federal clean water protections, have recently been rolled back or are coming under threat from many quarters, including:

- Using the Congressional Review Act to undo the Stream Protection Rule, which previously protected waterways from surface coal mining pollution;
- Using the EPA rulemaking process to “repeal and replace” the Waters of the United States Rule, which extended Clean Water Act protections to 60% of U.S. streams and 20 million acres of wetlands, and these waters and wetlands will soon lose those protections if the Rule is undone;
- Proposed 31% cuts to EPA funding, including, among other things: a 45% cut in Categorical Grants to states for water protection programs; elimination of the \$427 million funding of the Great Lakes Restoration Initiative and other regional programs; a total estimated cut of \$1 billion in Office of Water programs; and

WHEREAS proposed cuts to Superfund would undermine Superfund cleanup in 85 sites across New York State; and

WHEREAS federal water protections and robust EPA regulation and enforcement are vital to the environmental health of New York’s waterways and to the safety of its drinking water; and

WHEREAS climate change is also a water quality issue and already impacts New York’s waterways and drinking waters through more frequent and severe droughts and storms; and

WHEREAS, many water quality issues, such as phosphorus loading of our lakes and streams, directly impact aquatic life and recreation and will require increases in Federal Funding for stormwater infrastructure; and

WHEREAS, drinking water contaminants which jeopardize public health and safety are just being uncovered in many existing water systems, flat-funding Federal grants will not allow States and Municipalities to implement drinking and waste water infrastructure projects needed for their prevention or remediation; and

WHEREAS, these issues and threats affect not only all New Yorkers, but all Americans; and

RESOLUTION NO. 305 - Continued

WHEREAS, the Sloop Clearwater will carry to Washington and deliver to federal officials a “cargo of concern” documenting the broad-based concerns of citizens, public interest groups, and municipal and state officials throughout New York about growing threats to our water and to federal clean water protections, and the need for sound, science-based water policy;

THEREFORE, BE IT RESOLVED, that the Town of Orangetown hereby registers its deep concern over current rollbacks and threats to federal clean water protections as described above, affirms the need for sound, science-based water policy and for adequate regulation, enforcement and funding as pressure on water quality and safety continue to mount. We also wish to express our support for the effort Clearwater is leading to carry our concerns and concerns of many New Yorkers for clean water and other environmental protections directly to Washington.

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

RESOLUTION NO. 306

**RECEIVE AND FILE/INDEPENDENT
AUDITOR'S REPORT AND
STATEMENT OF CASH
RECEIPTS/JUSTICE COURT**

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

RESOLVED, that upon recommendation of the Justice Court Clerk, the Independent Auditor's Report and Statement of Cash Receipts, Cash Disbursements and Cash Balances for the year ended December 31, 2016, from PFK O'Connor Davies, LLP, is hereby received and filed in the Town Clerk's Office.

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

RESOLUTION NO. 307

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

Councilman Troy 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. Brightview Lake Tappan Senior Housing Title Insurance Policy (0-8911-732273) issued by Stewart Title Insurance Company and Sanitary Sewer Easements regarding The Recreational Ass'n of the James H. Hanserson Post #1199 American Legion, Inc. (Instrument No. 2017-2457); 67 Hunt Road, LLC (Instrument No. 2017-2458); Keira B. Burtch (Instrument No. 2017-2459); Claude P. Baumann (Instrument No. 2017-2460).
2. Agreement: Green Innovation Grant Program (GIGP#1308) w/NYS Environmental Facilities Corporation (EFC), dated 10/20/16; Home for Heroes Green Innovation Project CWSRF #C3-5345-08-00.
3. Town Board Meeting minutes: April 4, 2017, May 2, 2017 & May 16, 2017 Regular
4. Town Board Meetings; May 9, 2017 Police Commission and April 25, 2017, May 9, 2017 & May 23, 2017 Workshops.
5. Hillside Commercial Park, Pearl River, Storm Water Maintenance Agreements (RC Instr. No(s). 2017-14024 & 2017-10425) for 68.11-3-39 & 40.

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

RESOLUTION NO. 308

**TAX CERTIORARI SETTLEMENT
ROCKLAND COUNTRY CLUB**

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

RESOLVED, 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 Rockland Country Club v. The Assessor of the Town of Orangetown, et al., Tax Map designation 78.09-1-24 (380 Route 9W, Palisades) for the tax assessment years 2014 through 2016, for a total refund by the County of \$17,295, a total refund by the Town of \$50,546 and a total refund by the South Orangetown School District of \$253,894. 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: Councilperson Diviny, Supervisor Stewart
Councilpersons Troy, Valentine, Bottari
Noes: None

RESOLUTION NO. 309

**CONTRACT EXTENSION/CHESTNUT
RIDGE TRANSPORTATION
ORANGETOWN SUMMER CAMP**

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

RESOLVED, that pursuant to Paragraph 36 of the 2016 Bid Specifications for the 2016 Bus Transportation for the Orangetown Summer Day Camp, and by the attached letter dated May 19, 2017, Chestnut Ridge Transportation has agreed to extend the Contract for the 2017 camp season, upon the same terms and conditions, including at the same cost to the Town. Therefore, upon the recommendation of the Superintendent of Parks, Recreation and Buildings, and subject to the delivery of updated insurance certificates, please prepare agreement extension between the Town of Orangetown and Chestnut Ridge Transportation for the 2017 Camp Season.

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

RESOLUTION NO. 310

**SHOWMOBILE/ VILLAGE OF
NYACK/MOSTLY MUSIC FESTIVAL**

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 the Village of Nyack their Mostly Music Festival on Tuesday, June 27, 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: Supervisor Stewart
Councilpersons Bottari, Troy, Diviny, Valentine
Noes: None

RESOLUTION NO. 311

**RETIREMENT/JOHN GIARDIELLO
DIRECTOR, OFFICE OF BUILDINGS,
PLANNING, ZONING ADMINISTRATION
AND ENFORCEMENT (OBZAE)**

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

RESOLVED, the Town Board accepts, with regret, the retirement of John Giardiello, Director of The Office of Building, Planning, Zoning Administration and Enforcement, effective July 22, 2017.

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

RESOLUTION NO. 312

**RESCIND RESOLUTION 288-2017
SET PH/HISTORIC DISTRICTS
AMENDING SECTIONS 12-3, 12-4.(H),
12-5.(A)(3) AND 12-6.(A)(3) AND TO
AMEND CHAPTER 43, ARTICLE III,
SECTION 3.11 AND THE RELATED
GENERAL USE REGULATIONS**

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

RESOLVED, that the Town Board hereby rescinds Resolution 288 of 2017, setting a public hearing on Tuesday, June 6, 2017 at 8:05 pm on the Historic Districts, Amending Section 12-3, 12-4.(H), 12-5.(A)(3) and 12.6.(A)(3) and to amend Chapter 43, Article III, Section 3.11 and the related General Use Regulations thereto.

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

RESOLUTION NO. 313

**SKAE SITE PLAN – COLUMCILLE
HARDSHIP EXCEPTION APPLICATION
TEMPORARY MORATORIUM ON
TELECOMMUNICATIONS FACILITIES
AND STRUCTURES/ 337 BLAISDELL
ROAD (78.08-1-4 & 4) RECEIVES
CIRCULATES**

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

RESOLVED, that the Town Board hereby receives the application for Hardship Exception to the Temporary Moratorium on Communications Towers, Mono-poles, Antennas and Other Telecommunications Facilities and Structures, for the Skae Site Plan, Columcille Properties, LLC, 337-339 Blaisdell Road, Orangeburg, Section 78.08-1-3 & 4 (to be combined) and circulate application to Rockland County Department of Planning.

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

RESOLUTION NO. 314

SET PUBLIC HEARING / HARDSHIP APPLICATION / SKAE SITE PLAN COLUMCILLE PROPERTIES, LLC 337-339 BLAISDELL RD (78.08-1-3 & 4)

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

RESOLVED, that a Public Hearing is scheduled for June 20, 2017, 8:05 pm to discuss Skae Site Plan, Columcille Properties, LLC Hardship Exception application, regarding the Temporary Moratorium on Communications Towers, Mono-Poles, Antennas and Telecommunications Facilities and Structures, for 337-339 Blaisdell Rd, (78.08-1-3 & 4).

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

RESOLUTION NO. 315

NYS EFC CLEAN WATER GRANT APPLICATION/IMPROVEMENTS TO MEET REQUIRED TOTAL RESIDUAL CHLORINE LIMIT

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

WHEREAS, the Town of Orangetown in order to comply with the revised SPDES permit issued by the New York State Department of Environmental Conservation to the Orangetown Waste Water Treatment Plant requiring modification of the daily maximum final effluent Total Residual Chlorine (TRC) limit from 0.5mg/L to 0.10m/L, engaged a consulting engineer to prepare an engineering report detailing the design basis, treatment unit type and sizing that will be used to comply with the maximum daily limit of TRC;

WHEREAS, the Town of Orangetown intends to implement the design, equipment and treatment improvements detailed in the consulting engineer’s report of April 2017 in order to be in compliance with the requirements of the revised SPDES permit issued by the NYS DEC;

WHEREAS, the State of New York, Environmental Facilities Corporation provides financial assistance to municipalities to upgrade waste water treatment systems through the New York State Water Infrastructure Improvement Act, Clean Water program;

WHEREAS, the Town of Orangetown intends to submit an application to the NYS Environmental Facilities Corporation for funding not to exceed \$193,750 to underwrite approximately 25% of the total project cost, and hereby authorizes the Supervisor, Andrew Y. Stewart, to submit the application.

NOW, THEREFORE, BE IT RESOLVED BY the Board of the Town of Orangetown:

1. That Andrew Y. Stewart, as Supervisor, is hereby authorized to file an application to the NYS Environmental Facilities Corporation for funding from the New York State Water Infrastructure Improvement Act for Clean Water projects.
2. That the Town of Orangetown agrees that it will fund at least 75% of the cost of the Project and those funds will be available upon execution of the contract with the NYS Environmental Facilities Corporation.

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

RESOLUTION NO. 316

**PAYMENT/SYLVIA WELCH/EFC GRANT
REQUEST/TOTAL RESIDUAL CHLORINE**

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

WHEREAS, the Town Board has previously approved the application to the NYS Environmental Facilities Corporation for \$193,750 in grant funding (25% of total project cost of \$775,000) for upgrading the town's wastewater treatment process to meet NYS DEC's regulations on Total Residual Chlorine in treated effluent,

RESOLVED, the Town Board authorizes the Supervisor to pay Sylvia Welch \$1105 (17 hours X \$65/hour), for the research, writing and submission of this EFC grant request, and to sign any related documents to obtain these funds.

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

RESOLUTION NO. 317

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 two (2) warrants for a total of \$2,141,320.96.

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

RESOLUTION NO. 318

**ENTER EXECUTIVE SESSION CSEA
CONTRACT/SALE OF PROPERTY/JPM
CHASE**

In attendance, at this Executive Session, were Supervisor Stewart, Councilpersons Troy, Diviny, Valentine and Bottari, John Edwards and Teresa Kenny.

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

RESOLVED, at 9:44 p.m. the Town Board entered Executive Session to discuss the CSEA contract and sale of property to JP Morgan Chase. Supervisor Stewart said no further votes will be taken.

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

RESOLUTION NO. 319

RE-ENTERED RTBM/ADJOURNED

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

RESOLVED, at 10:20 pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of Angelina Benicasa, Sparkill, mother-in-law of employee, Michael Yannazzone and grandmother of P.O. Michael Yannazzone, Jr.; Rae Hartman, Donald Brenner's sister; Robert Boyle, author of Hudson River, A Natural and Unnatural History (1969); Joyce Higgins Edwards, Blauvelt (formerly from Pearl River); and James Finnegan, Pearl River.

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

Charlotte Madigan, Town Clerk