

**TOWN OF ORANGETOWN REGULAR TOWN MEETING**

**Tuesday August 06, 2019**

This Town Board Meeting was opened at 7:30 PM.

Councilman Denis Troy \_\_\_\_\_\_\_\_\_\_\_\_\_

Councilman Thomas Diviny \_\_\_\_\_\_\_\_\_\_

Councilman Paul Valentine \_\_\_\_\_\_\_\_\_\_

Councilman Jerry Bottari \_\_\_\_\_\_\_\_\_\_\_\_

Supervisor Chris Day\_\_\_\_\_\_\_\_\_\_

**POLICE COMMISSION**

**RESOLUTION TO APPOINT / DONALD GABEL III / POLICE OFFICER / PROBATIONARY - PERMANENT**

RESOLVED, upon the recommendation of the Chief of Police, appoint DONALD GABEL III from Rockland County List #(OC)16097 to the position of Police Officer/Probationary - Permanent, effective August 7, 2019, at a salary consistent with the terms of the labor agreement between the Town of Orangetown and the Orangetown PBA.

**Pledge of Allegiance to the Flag**

**ANNOUNCEMENTS:**

**The Town of Orangetown and The Pearl River Chamber of Commerce will be sponsoring its first seasonal Pearl River Farmer's Market / Open to Public, every Sunday, from 10 a.m. to 3 p.m. / Beginning May 19th continuing through November 24, 2019. The stretch of North William Street (Between Washington Avenue and Central Avenue) will be blocked off and closed to vehicular traffic during the hours of 7:00 a.m. through 4:00 p.m. each Sunday while the Market is open. Locally sourced vendors will be gathering at the market to sell fresh produce and other farmer's market items. The new market place will serve as a healthy and fun meeting place for residents, while also promoting all that downtown Pearl River has to offer. Occasionally, the Market will be accompanied by live music and other amusements.**

**Public Hearing / TBWS/RTBM of September 3, 2019 @ 8:05 P.M. / Ryerson Estates / Re: Proposed Zone Change**

**TBWS/RTBM September 3, 2019 - 2020 Budget Presentation for Libraries and Special Districts: 8:15 P.M. - Rockland Paramedics (Ray Florida) 8:20 P.M. - Blauvelt Fire Department (Mike Conklin) 8:25 P.M. - So Orangetown Ambulance Corps (Pete Roimisher) 8:30 P.M. - Nyack Ambulance Corps (Wm. McDowell) 8:35 P.M. - Orangeburg Library (Michelle Galle-Looram) 8:40 P.M. - Tappan L:ibrary (Vicki Caramante) 8:45 P.M. Palisades Library (Maria Gagliardi) 8:50 P.M. - Blauvelt Library (Laura Grunwerg)**

**STBM (Public) September 7, 2019 (Saturday) from 8:00 A.M. - 12:00 P.M. / Town Department Heads Budget Presentations / Court Room 1**

**Continue Public Hearing / TBWS/RTBM of September 17, 2019 @ 8:05 P.M. / Bieber / Re: Proposed Zone Change for 576 Route 303 and Adjoining Properties**

**PRESENTATIONS:**

**Presentation of Bid Proposal for Prospective Solar Project - Susan Brodie (HESP Solar LLC)**

**DISCUSSION:** WORKSHOP OF AGENDA ITEMS

**PUBLIC COMMENT:**

1. **OPEN PUBLIC COMMENT PORTION**

RESOLVED, that the public portion is hereby opened.

SUMMARY OF PUBLIC COMMENTS:

1. **CLOSE PUBLIC COMMENT PORTION**

RESOLVED , that the public portion is hereby closed.

**TOWN BOARD**

1. **AMEND RESOLUTION NO. 369 OF 2019 / SET PH DATE / SEPTEMBER 17, 2019 AT 8:25 P.M. / PROPOSED TRANSIT ORIENTED DEVELOPMENT (TOD)** **ZONING ORDINANCE / PEARL RIVER**

RESOLVED, that the Town Board hereby amends Resolution No. 369 of 2019, changing the date & time of the public hearing regarding the proposed TOD zoning ordinance for Pearl River, New York to be held on September 17, 2019 at 8:25 p.m.

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1. **RESOLUTION TO AUTHORIZE THE SUPERVISOR TO SIGN THE MASER CONSULTING PROPOSAL TO BEGIN SEQRA PROCESS**

WHEREAS, the Town Board, pursuant to Town Board Resolution 2019-97 previously authorized an agreement with Maser Consulting, P.A. to provide professional services to develop zoning regulations and design standards related to a mixed use and Transit Oriented Development (TOD) for an area in the vicinity of the train station in the hamlet of Pearl River, and

WHEREAS, the Town Board has received and reviewed a proposed local law to implement a TOD and Mixed Use Zoning District in downtown Pearl River and has scheduled a Public Hearing for the purposes of gathering public input and consider moving forward with the implementation of such a zone change, depending upon input from the public and reviewing governmental agencies, and

WHEREAS, as a part of the process of reviewing and perhaps adopting such a local law, an environmental review under the New York State Environmental Quality Review Act (SEQRA) is necessary, and

WHEREAS, Maser Consulting, P.A. has provided a proposal to undertake and begin the SEQRA review process, for a total of $35,000.00 pursuant to the proposal annexed hereto and made a part hereof, and

WHEREAS, the Town Board is desirous of having preliminary SEQRA documents prepared and ready for discussion at a Public Hearing on the matter before the Town Baord which is scheduled for September 17, 2019,

NOW THEREFORE BE IT RESOLVED, the Town Board hereby agrees to accept the proposal from Maser Consulting, P.A. dated August 2, 2019 to provide professional services to commence the necessary work to prepare documents and gather information necessary for a proper review pursuant to SEQRA for the proposed TOD District, and authorizes the payment of the sum of up to $19,420.00 for purposes of commencing such work prior to the Public Hearing scheduled for September 17, 2019 and

BE IT FURTHER RESOLVED that the Supervisor or his designee is hereby authorized to enter into a formal written agreement with Maser Consulting, P.A., based upon the terms and conditions set forth above, and subject to approval of the Town Attorney’s Office, and to sign any documents necessary to effectuate said agreement.

1. **\*\* PLACE HOLDER \*\* RESOLUTION TO APPOINT \_\_\_\_\_\_\_\_\_ / MEMBER TO PLANNING BOARD / TO FILL THE UNEXPIRED TERM / 2019 - 2024**

RESOLVED, that upon approval of the Town Board, appoint \_\_\_\_\_\_\_\_\_\_\_\_ as a

member to the Orangetown Planning Board to fill the unexpired term of Blythe Yost, effective July 23, 2019 through December 31, 2024.

**TOWN ATTORNEY**

1. **RESOLUTION TO APPROVE / 2019 INTERMUNICIPAL AGREEMENT / ROCKLAND COUNTY / HI-TOR ANIMAL SHELTER**

RESOLVED, that the Town Board authorizes, ratifies and approves an Intermunicipal Agreement with the County of Rockland, regarding an animal shelter to be managed by Hi-Tor Animal Care Center Inc., in the amount of THIRTY NINE THOUSAND THREE HUNDRED NINETY-NINE AND 30/100

($39,399.30) DOLLARS, to be paid to the County of Rockland by the Town by quarterly payments, for fiscal year 2019, for the statutory shelter/pound services required to be provided by the Town, in accordance with the terms of the Intermunicipal Agreement, a copy of which is expressly incorporated herein by reference, and the Supervisor is hereby authorized to sign same.

1. **RESOLUTION TO APPROVE / MEMORANDUM OF UNDERSTANDING (MOU) / NY SHARKS 2019-2020 AQUATIC / POOL USE AT SOUTH ORANGETOWN MIDDLE SCHOOL**

RESOLVED, that the Memorandum of Understanding between the Town of Orangetown and New York Sharks Swim Team LLC, for use of the pool located at the South Orangetown Middle School, for years 2019-2020 in the amount of

EIGHTEEN THOUSAND EIGHT HUNDRED SEVENTY ONE AND 94/100 ($18,871.94) DOLLARS, is hereby approved and the Supervisor is hereby authorized to execute such Memorandum of Understanding.

1. **RESOLUTION TO ACCEPT TAPPAN FIRE DISTRICT MAP**

WHEREAS, the Tappan Fire District has adopted a District Map that was prepared by the County of Rockland Planning Department, which map is dated March, 2010 and incorporated by reference herein, and

WHEREAS, the Tappan Fire District has requested by letter dated July 15, 2019 that the Town of Orangetown officially accept said map as prepared by the County of Rockland and accepted by the Tappan Fire Distrct,

NOW THEREFORE BE IT RESOLVED, that, pursuant to New York Town Law Section 176(5), the Town Board hereby formally accepts the Tappan Fire District Map (21) dated March, 2010 as prepared by the County of Rockland Planning Department and accepted and adopted by the Tappan Fire District.

* **RESOLUTION TO GRANT COVENANT / HOLD HARMLESS AND INDEMNIFICATION AGREEMENT / BRIAN S. POWERS and PATRICIA A. POWERS, 178 NORTH MAIN STREET, PEARL RIVER, NY, S/B/L 68.12-6-45**

WHEREAS, Brian S. Powers and Patricia A. Powers, the property owners of property located at 178 North Main Street, Pearl River, New York, have applied to the Town Highway Department for permission to have their retaining wall remain on their property and upon review, a portion of which encroaches on to an existing Town right of way; and

WHEREAS, the matter has been reviewed by the Town Highway Department and the Highway Department has required that the retaining wall may remain at its current location provided the owners of the property provide to the Town and indemnification and hold harmless agreement,

NOW, THEREFORE, BE IT RESOLVED, that the Town hereby grants to 178 North Main Street, Pearl River, NY, a revocable license, in the form of a Covenant, Hold Harmless and Indemnification Agreement, which provides in sum and substance the retaining wall currently existing in the Town's right of way may remain and the owners of the property, Brian S. Powers and Patricia A. Powers, must defend, indemnify and hold harmless the Town for any damage related thereto and caused thereby, and that said structures wall must be removed upon notice as set forth therein, otherwise to be removed by the Town at the expense of the property owner; and

BE IT FURTHER RESOLVED, that the Supervisor or his designee is hereby authorized to execute the Covenant, Hold Harmless and Indemnification Agreement and any and all other documents necessary in order for same to be recorded in the Rockland County Clerk's Office, at the expense of the owner.

1. **RESOLUTION TO GRANT COVENANT / HOLD HARMLESS AND INDEMNIFICATION AGREEMENT / CHEER HALL LLC, THE OWNER OF PROPERTY LOCATED AT 20 WASHINGTON SPRING ROAD, PALISADES, NEW YORK, S/B/L 78.19-1-17**

WHEREAS, Cheer Hall LLC, the property owner of property located at 20 Washington Spring Road, Palisades, New York, has applied to the Town Highway Department for permission to have their fence with driveway gate remain on their property and upon review, a portion of which encroaches on to an existing Town right of way; and

WHEREAS, the matter has been reviewed by the Town Highway Department and the Highway Department has required that the fence with driveway gate may remain at its current location provided the owner of the property provide to the Town and indemnification and hold harmless agreement,

NOW, THEREFORE, BE IT RESOLVED, that the Town hereby grants to 20 Washington Spring Road, Palisades, NY, a revocable license, in the form of a Covenant, Hold Harmless and Indemnification Agreement, which provides in sum and substance the retaining wall currently existing in the Town's right of way may remain and the owner of the property, Cheer Hall LLC, must defend, indemnify and hold harmless the Town for any damage related thereto and caused thereby, and that said structures wall must be removed upon notice as set forth therein, otherwise to be removed by the Town at the expense of the property owner and,

BE IT FURTHER RESOLVED, that the Supervisor or his designee is hereby authorized to execute the Covenant, Hold Harmless and Indemnification Agreement and any and all other documents necessary in order for same to be recorded in the Rockland County Clerk's Office, at the expense of the owner.

**HIGHWAY**

1. **RESOLUTION TO APPROVE AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONIES / ROCKLAND COUNTY / 2019 PAVEMENT PRESERVATION PROGRAM / IMPROVEMENT & REPAIRS**

RESOLVED, that upon the recommendation from the Superintendent of Highways, the Town Board hereby approves an AGREEMENT between the Town Superintendent of the Town of Orangetown, Rockland County, NY and the undersigned members of the Town Board

WHEREAS, pursuant to the provisions of Section 284 of the Highway Law, we agree that monies levied & collected in the Town for the repair & improvement of highways and received from the State for State aid for the repair & improvement of highways, shall be expended as follows:

GENERAL REPAIRS, the sum of $ 900,000.00 shall be set aside to be expended for primary work & general repairs upon 16.62 miles of Town highways;

PERMANENT IMPROVEMENTS, the attached spreadsheet contains a list of roads which will be treated in the 2019 Pavement Preservation Program;

There will be money spent on other Town Highways as needed to maintain a safe driving surface;

This AGREEMENT shall take effect when it is approved by the Town Board.

1. **RESOLUTION TO APPROVE/SURPLUS EQUIPMENT**

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

2003 Dynamic Message Board 139UP08103A003192

1999 Volvo Dump Truck (#90) 4VHSALPE1XN519955

1999 Volvo Dump Truck (#91) 4VHSALUE3XN520335

1. **RESOLUTION TO APPROVE/SURPLUS SOIL**

RESOLVED, that upon the recommendation of the Superintendent of Highways, approve for surplus, 40,000 cubic yards of soil from the Homes for Heroes Project Site located at 335 Western Highway, Tappan, New York

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1. **RESOLUTION TO APPROVE / LEND ASSISTANCE / ONE LOVE CULTURE FEST / GERMAN MASONIC PARK / TAPPAN / SUNDAY, AUGUST 11, 2019**

RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby authorizes the Highway Department to lend assistance which includes the use of barricades, barrels and caution tape, for the Culture Festival to be held on Sunday, August 11, 2019, from 12 pm â€“ 9 pm, at the German Masonic Park.

**PARKS AND RECREATION**

1. **RESOLUTION TO CREATE FIRST AID ATTENDANT POSITION / PARKS & RECREATION / TEEN CAMP PROGRAM**

RESOLVED, upon the recommendation of Rockland County Personnel create the position of First Aid Attendant in the Parks & Recreation Department, at a salary of $20.00 per hour for the purpose of having a Nurse at Teen Camp.

1. **RESOLUTION TO APPROVE / LEND AID / 2019 DOMINICAN COLLEGE FAMILY DAY / SATURDAY, SEPTEMBER 21**

Proposed Text - RESOLVED, upon the completion of all necessary paperwork, the Superintendent of Parks & Recreation has forwarded for approval by the Town Board use of the Showmobile at a rental cost of $ 400.00 by Dominican College for their Family Day - Fire in the Sky, Saturday, September 21, 2019, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

1. **RESOLUTION TO APPROVE / LEND AID / 2019 ONE LOVE CULTURE FESTIVAL / SUNDAY, AUGUST 11**

RESOLVED, upon the completion of all necessary paperwork, the Superintendent of Parks & Recreation has forwarded for approval by the Town Board use of the Showmobile at a rental cost of $400.00 by The Mind of a Winner for their One Love Culture Festival, Sunday, August 11, 2019, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

1. **PROPOSED RESOLUTION / ACCEPT DONATION / INSTALLATION / CHILDRENS MINI LIBRARY SPARKILL PLAYGROUND**

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation accept with gratitude the donation/installation of a Children's "mini" Library by Hannah Ahn, Sparkill resident, Tappan Zee High School student. The library will be installed in the Sparkill Park Playground.

**POLICE**

1. **RESOLUTION TO APPOINT / MEAGHAN GILLIAMS / TEMPORARY APPOINTMENT / POLICE OFFICER**

RESOLVED, that upon the recommendation of the Chief of Police and per the authorization of Rockland County Department of Personnel, the Town Board hereby appoints Meaghan Gilliams from Rockland County Civil Service nominating list 69-233/16097, to the position of "Temporary" Police Officer/Resident of the Town of Orangetown, for the sole purpose of allowing her to attend the DCJS Basic Police Officer Training Class at Rockland County/Police & Public Safety Academy, at a salary consistent with the labor agreement between the Town of Orangetown and the Orangetown PBA.

1. **RESOLUTION TO APPOINT MARZOLLA / PARKING ENFORCEMENT AIDE (PT) / PROVISIONAL**

RESOLVED, upon the recommendation of the Chief of Police and Supervisor of Parking Enforcement, appoint John Marzolla to the position of Parking Enforcement Aide (PT), provisional, at a salary of $20.00 per hour, for no more than 17.5 hours per week, effective August 7, 2019.

**HIGHWAY / PARKS**

1. **RESOLUTION TO APPROVE / LEND ASSISTANCE / 2019 AUTO SHOW / CENTRAL AVENUE FIELD / PEARL RIVER / SUNDAY, SEPTEMBER 15**

RESOLVED, upon the recommendation from the Superintendent of Highways & Superintendent of Parks, that the Town Board hereby authorizes these departments to lend assistance which includes the use of (15) 55 gallon trash barrels from the Highway Dept., and (2) port-o-sans from the Parks Dept., for the PR Auto Show to be held on Sunday, September 15, 2019, in the Central Avenue Field, from 8 am to 5 pm.

**HIGHWAY / POLICE**

1. **RESOLUTION TO APPROVE / LEND ASSISTANCE / 2019 PRHS PEP RALLY & BONFIRE / SEPTEMBER 20, 2019**

RESOLVED, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these two departments to lend assistance which includes the use of barricades, barrels and sand from the Highway Department & the presence of Auxiliary Police from the Police Department, for the PRHS Pep Rally & Bonfire to be held on Friday, September 20, 2019, from 7 pm to 10 pm.

**BUILDING**

1. **RESOLUTION TO SET DATE FOR PUBLIC HEARING FOR SEPTEMBER 17, 2019 AT \_\_\_\_\_\_\_\_ TO APPROVE PROPOSAL//38 HORAN PLACE, TAPPAN PROPERTY**

WHEREAS, The property (38 Horan Place, Tappan) has been posted with a Violation Notice on 7-30- 2019 in accordance with Orangetown Code 24C-15 which enables the Town Council to hold a public hearing to decide if the Town should have the offending condition corrected and charge the cost to the property owner.

1. **RESOLUTION TO SET DATE FOR STBM FOR AUGUST 27, 2019 AT 11:00 A.M../ RE: BUILDING DEPARTMENT**

RESOLVED, that the Town Board hereby sets a date for a Special Town Board Meeting on August 27, 2019 at 11:00 A.M. re: Building Department

**DEME**

1. **RESOLUTION TO RECLASSIFY ENGINEER III / ENGINEER IV / APPOINT PETERS / PROVISIONAL**

RESOLVED, upon the recommendation of the Labor Management Committee and after approval from Rockland County Personnel, reclassify the position of Engineer III to Engineer IV and appoint Bruce Peters provisionally, Grade 27, Step 19/24 at a salary of $182,389.00, effective 07/10/2019.

**PERSONNEL**

1. **AMEND RESOLUTION NO. 328 / EMPLOYEE RETIREMENT INCENTIVE PROGRAM / CALENDAR YEAR 2019**

WHEREAS, The Town Board approved a voluntary Retirement Incentive Program pursuant to Resolution 2019-328, and

WHEREAS, several employees have availed themselves of the opportunity to participate in the program pursuant to the terms thereof, and

WHEREAS, one of the terms of the Program was that the participating employees must retire after November 30, 2019 and before close of business on December 31, 2019, and

WHEREAS, the Town Board has determined that, based upon the number of employees who have elected to participate, that amending the date before which the employees may retire will not negatively impact operations of the Town,

NOW THEREFORE BE IT RESOLVED, that the Resolution 2019- 328 is hereby amended in that employees who have elected to participate in the Retirement Incentive Program may retire as of August 7, 2019 or anytime thereafter, but in no event after close of business on December 31, 2019. All other aspects of the program as set forth in Resolution 2019-328 remain in full force and effect.

**ASSESSOR**

1. **RESOLUTION THAT UPON THE APPROVAL OF THE TOWN BOARD TO ADOPT BASE AND ADJUSTED BASE PROPORTIONS FOR UPCOMING SEPTEMBER SCHOOL AND JANUARY 2020 TOWN AND COUNTY TAX BILLING APPORTIONMENTS**

RESOLVED, that upon the recommendation of the Assessor, the Town Board hereby adopts the Certificate of Current Homestead Base Proportions and Adjusted Base Proportions (Forms 6701 and 6703) pursuant to Article 19, Section 1903 of New York State Real Property Tax Law for the Levy of Taxes on the 2019 Assessment Roll, and the Town Clerk is hereby authorized to affix a Town Certification.

**TOWN CLERK**

1. **ACCEPT / RECEIVE / FILE DOCUMENTS/TOWN CLERK'S OFFICE**

RESOLVED that the following documents are accepted, received and filed in the

Town Clerk's Office:

1. Town Board minutes: June 4, 2019 & July 9, 2019 Police Commission/Regular Town Board Meeting and June 18, 2019 & July 23, 2019 Regular Town Board Meeting.
2. Agreement: School Resource Officer Program with the South Orangetown Central School District and the Pearl River School District.
3. Comprehensive Annual Financial Report, Fiscal Year Ended December 31, 2018 and PKF O'Connor Davies' (Accountants & Advisors) Report to the Town Board.
4. Pearl River Transit Oriented Development (TOD): Proposed Draft Zoning Ordinance and Design Guidelines (Maser's Consulting).

**AUDIT**

1. **PAY VOUCHERS**

RESOLVED, upon the recommendation of the Director of Finance, the Finance Office is hereby authorized to pay vouchers for a total amount of two (2 ) warrants for a total of $ 1,563,464.48.

**ADJOURNMENTS**

1. **RESOLUTION TO RE-ENTER RTBM / ADJOURNED / MEMORY**

RESOLVED, at \_\_\_\_ pm, the Town Board re-entered the Regular Town Board

Meeting and adjourned in memory of: