

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, OCTOBER 3, 2017**

This 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
Supervisor Andrew Stewart

Also present: Charlotte Madigan, Town Clerk
John Edwards, Town Attorney
Teresa Kenny, Deputy Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Jane Slavin, Director of OBZPAE
Joseph Moran, Commissioner of DEME
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.

Pledge of Allegiance to the Flag of the United States of America: Esta Baitler and Mike Mandel

Geraldine Tortorella, Attorney, and Matthew Jarmel, Jarmel Kizel Architecture and Engineering, spoke about Orangeburg Common's petition to amend Chapter 4.32(O) of the Zoning Code to Add Child Day Care Centers and Fast Food Restaurants to the list of permitted uses to "Mixed-Use Developments and Expansions". They presented a concept plan for The Learning Experience at Orangeburg Commons.

RESOLUTION NO. 495

**OPEN PH /PROPOSED NEW LOCAL
LAW/AMENDING CHAPTER41A -
VIOLATIONS AND PENALTIES
AMENDING CHAPTER 15: FIRE
PREVENTION CODE, ARTICLE I,
SECTION 15-(6)B.**

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

RESOLVED, that the public hearing on a proposed local law, amending Town Code Chapter 41A entitled Violations and Penalties and Chapter 15 entitled Fire Prevention Code at Article I, Section 15-6(B), is hereby opened.

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

The Town Clerk presented the Affidavit of Publication and Notice of Posting; copies are labelled Exhibit 10-A-17 and made a part of these minutes.

The purpose of this local law is to amend violations and penalties of the Town Code, increasing the fines for repeated offenders and for corporations that violate Town law.

Summary of Public Comments:

Chris Day, candidate for Town Supervisor, agrees with this local law. He said these large fines will help reduce violations and make the corporations accountable.

Chris Dunnigan, Pearl River, voice his support for the increases in the fines. This will be a good tool as leverage in order to keep good neighbors.

RESOLUTION NO. 496

**CLOSE PH/ PROPOSED LOCAL LAW
AMENDING CHAPTER 41A:
VIOLATIONS AND PENALTIES AND
AMENDING CHAPTER 15: FIRE
PREVENTION CODE, ARTICLE I,
SECTION 15-6(B)**

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

RESOLVED, that the public hearing on a proposed local law, amending Chapter 41A of the Town Code (Violations and Penalties) and amending Chapter 15 (Fire Prevention Code), Article I, Section 15-6(B), is hereby closed.

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

RESOLUTION NO. 497

**LEAD AGENCY/SEQRA
DECLARATION/AMENDING
CHAPTER 41A/AMENDING CHAPTER
15, ARTICLE I, SECTION 15-6(B)**

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

WHEREAS, the Town Board has considered the adoption of a Local Law, amending Chapter 41A entitled Violations and Penalties, and Chapter 43 entitled Fire Prevention Code at Article I, Section 15-6(B) regarding violations and penalties under the Town Code; and

WHEREAS, being the only Involved Agency, the Town Board hereby assumes the role of Lead Agency for environmental review; and

WHEREAS, acting in its capacity as Lead Agency for environmental review, and after taking a “hard look” at all of the potential environmental impacts that might result from the proposed action, the Town Board has concluded that there will be no significant environmental impact or effect caused or occasioned by the proposed changes,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the Negative Declaration (Exhibit 10-B-17), and authorizes the Town Supervisor or his designated agent to execute the Environmental Assessment Form and to take such other and further steps as may be necessary to discharge the Town Board’s responsibilities as Lead Agency.

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

RESOLUTION NO. 498

**ADOPT LOCAL LAW NO. 9, 2017
AMENDING TOWN CODE CHAPTER
41A VIOLATIONS AND PENALTIES &
CHAPTER 15 FIRE PREVENTION
CODE, ARTICLE I, SECTION 15-6(B)**

Councilman Diviny offered the following resolution, which was seconded by Councilman Bottari 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 Town Code and the Zoning Code of the Town of Orangetown, and;

RESOLUTION NO. 498 - Continued

WHEREAS the Town Board (“Board”) of the Incorporated Town of Orangetown, New York (“Town”) finds that there is a critical and compelling need, in the public interests to protect its citizens and businesses health, safety and welfare and to insure compliance with the Town of Orangetown Building, Planning, Zoning and Fire Codes. The Town finds and declares that there is no existing law that preempts the adoption of this Local Law so that the public interests in open and transparent government and land use applications and land use can be promoted by enactment of this Local Law to increase fines for failure to comply with the Town of Orangetown Building, Planning, Zoning and Fire Codes;

NOW, THEREFORE, the following Local Law amending Chapter 41A Violations and Penalties and Chapter 15 Fire Prevention Code at Article I, Section 15-6(B) is hereby adopted:

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

Noes: None

**TOWN OF ORANGETOWN
LOCAL LAW NO. 9, 2017
AMENDING TOWN CODE CHAPTER 41A VIOLATIONS AND PENALTIES AND
CHAPTER 15 FIRE PREVENTION C**

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ORANGETOWN AS FOLLOWS:

Section 1. Chapter 41A of the Code of the Town of Orangetown regarding violations and penalties is hereby amended as follows:

§ 41A-1. Penalties for offenses. Any individual, corporation, firm, partnership, association, company or entity of any kind who shall violate any provision of the Orangetown Town Code, to which reference is made to this chapter shall ~~be liable to a fine of not more than \$5,000 or to imprisonment for a period not exceeding 15 days, or both such fine and imprisonment. The continuation of an offense shall constitute, for each week the offense is continued, a separate and distinct offense and shall require a separate and distinct penalty as per this chapter. In addition to the foregoing provisions, the Town shall have such other remedies for any violation or threatened violation as is now or may hereafter be provided by law. The application of any above penalty shall not be held to prevent any action under § 41A-2 of this chapter subject to the following penalties:~~

A. Individual: A sentence to pay a fine when imposed on an individual for an offense defined outside this chapter for which no special fine on an individual is specified, shall be subject to the following:

1) For a first conviction: a maximum fine of Five Thousand (\$5,000.00) Dollars or by imprisonment for a period not to exceed fifteen (15) days, or both such fine and imprisonment. Each week’s continued violation shall constitute a separate additional violation.

2) For a second conviction, after having been convicted within a period of five (5) years of the first conviction, such violation shall be subject to the following penalties: a maximum fine of Seven Thousand Five Hundred (\$7,500.00) Dollars or by imprisonment for a period not to exceed fifteen (15) days, or both such fine and imprisonment. Each week’s continued violaion shall constitute a separate additional violation.

3) For any third or subsequent conviction, after having been convicted two or more times within a period of seven (7) years, such violation shall be subject to the following penalties: a maximum fine of Fifteen Thousand (\$15,000.00) Dollars or by incarceration for a period less than one (1) year, or both such

LOCAL LAW NO. 9, 2017 - Continued

fine and imprisonment. Each week's continued violation shall constitute a separate additional violation.

B. Corporation, Firm, Partnership, Association, Company or Entity: A sentence to pay a fine, when imposed on a corporation, firm, partnership, association, company or entity of any kind for an offense defined outside this chapter for which no special corporate fine is specified, shall be subject to the following:

1) For a first conviction: a maximum fine of Twenty Thousand (\$20,000.00) Dollars, or any higher amount not exceeding double the amount of the corporation's gain from the commission of the offense. Each week's continued violation shall constitute a separate additional violation.:

2) For a second conviction, after having been convicted within a period of five (5) years of the first conviction: a maximum fine of Forty Thousand (\$40,000.00) Dollars or any higher amount not exceeding double the amount of the corporation's gain from the commission of the offense. Each week's continued violation shall constitute a separate additional violation.

3) For any third or subsequent conviction, after having been convicted two or more times within a period of seven (7) years: a maximum fine of Sixty Thousand (\$60,000.00) Dollars, or any higher amount not exceeding double the amount of the corporation's gain from the commission of the offense. Each week's continued violation shall constitute a separate additional violation.

C. In addition to the foregoing provisions, the Town shall have such other remedies for any violation or threatened violation as is now or may be hereafter amended by law. The application of any above penalty shall not be held to prevent any action under Section 41A-2 of this chapter.

§ 41A-2. Noncompliance with orders.

Any person, corporation, firm, partnership, association, company or entity of any kind who shall violate any stop-work order of the Building Inspector, Code Enforcement Officer or any other person lawfully entitled to issue such order according to the Orangetown Town Code or any other applicable law shall be punished as set forth in this chapter.

~~§ 41A-4. Prosecution against corporations.~~

~~Penal Law § 80.10 shall apply in full force and effect to any prosecution against any corporation other than as to fines or civil penalties which shall be as set forth in Section 41A-1.~~

~~§ 41A-5. New York Uniform Fire Prevention and Building Code violations.~~

~~Any violation charged under the New York Uniform Fire Prevention and Building Code shall be punishable as set forth in this chapter, unless said New York State Code provides for greater or further punishment.~~

Section 2. Chapter 15, Article I of the Code of the Town of Orangetown is hereby amended by deleting §15-6 (B) and by renumbering as follows:

~~B. A sentence to pay a fine which is imposed on a corporation for an offense defined in this Code shall be in conformity with § 80.10 of the Penal Law which states as follows or as hereafter modified by action of the State Legislature:~~

LOCAL LAW NO. 9, 2017 - Continued

~~§ 80.10 Fines for corporations.~~

~~1. In general. A sentence to pay a fine, when imposed on a corporation for an offense defined in this chapter or for an offense defined outside this chapter for which no special corporate fine is specified, shall be a sentence to pay an amount, fixed by the court, not exceeding:~~

~~(a) Ten thousand dollars, when the conviction is of a felony;~~

~~(b) Five thousand dollars, when the conviction is of a class A misdemeanor or of an unclassified misdemeanor for which a term of imprisonment in excess of three months is authorized;~~

~~(c) Two thousand dollars, when the conviction is of a class B misdemeanor or of an unclassified misdemeanor for which the authorized term of imprisonment is not in excess of three months;~~

~~(d) Five hundred dollars, when the conviction is of a violation;~~

~~(e) Any higher amount not exceeding double the amount of the corporation's gain from the commission of the offense.~~

~~2. Exception. In the case of an offense defined outside this chapter, if a special fine for a corporation is expressly specified in the law or ordinance that defines the offense, the fine fixed by the court shall be as follows:~~

~~(a) An amount within the limits specified in the law or ordinance that defines the offense; or~~

~~(b) Any higher amount not exceeding double the amount of the corporation's gain from the commission of the offense.~~

~~3. Determination of amount of value. When the court imposes the fine authorized by paragraph (e) of subdivision one or paragraph (b) of subdivision two for any offense the provisions of subdivision three of section 80.00 shall be applicable to the sentence.41A-2~~

~~€. B. The continuation of an offense against the provisions of this Code shall constitute, for each day week the offense is continued, a separate and distinct offensehereunder.~~

Section 3. Severability Clause

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid parts.

Section 4. Effective Date.

This Local Law shall become effective immediately upon being filed with the Secretary of State.

Summary of Public Comments (RTBM):

Watson Morgan, Environmental Committee, is not in favor of OMM purchasing RPC Lot 1. This area should be kept as open space with a recreation center and a much need senior center. Christine Lee, Blauvelt, complained about the high dirt bike noise level coming from Bradley Park. She asked if anything could be done.

Barbara Delo, Blauvelt, is concerned about bicyclist safety on Sickletown Road. She appreciates this Town and thanked the Town Board for what they have done for this Town.

Summary of Public Comments (RTBM) - Continued:

Thom Kleiner, candidate for Town Supervisor, commended the Town Board for a very conservative tentative budget. He praised Ben Roujansky and spoke about Ben’s experiences. Mike Mandel, Pearl River, agrees with Watson Morgan and added this area should be reserved for all people of this Town.

Allan Ryff, Tappan, urged the Town Board to reserve RPC Lot 1 for a passive park, senior center, dog park, recreation center and/or an area for large events.

Heather Hurley, Pearl River: What are the results of the stack testing and is someone analyzing them; When is Aluf’s switch to the new system; What is Plan B, if the new system does not work.

RESOLUTION NO. 499

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

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

RESOLUTION NO. 500

SET PUBLIC HEARING/ DECLARE TOWN BOARD'S INTENT TO BE LEAD AGENCY /DIRECT CIRCULATION PROPOSED ZONING CODE CHANGE REQUIRING PLANNING BOARD REVIEW OF APPLICATIONS TELECOMMUNICATION ANTENNAS ON EXISTING STRUCTURES

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

RESOLVED that the Town Board will hold a public hearing on November 28, 2017, at 8:10 p.m., on a proposed Local Law, as follows, amending Chapter 43, § 8.15.D, to require Planning Board review of applications relating to antennas on existing structures in nonresidentially zoned areas.

BE IT FURTHER RESOLVED, that in connection therewith, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review under SEQRA, makes the preliminary determination that the action is an “unlisted” action under SEQRA (Exhibit 10-C-17), and directs that a Lead Agency Coordination Letter with relevant documents be circulated to and among the various below referenced agencies; and

BE IT FURTHER RESOLVED, that the proposed local law be circulated to the Rockland County Department of Planning for the purpose of review pursuant to General Municipal Law §§ 239- 1 & m; and

BE IT FURTHER RESOLVED, that, pursuant to Town Code Chapter 43, § 10.5, the proposed local law be circulated to the Town Planning Board, inviting its input regarding, among other things, the implications of such an amendment, and requesting a response within 30-days.

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

**PROPOSED LOCAL LAW
AMENDING CHAPTER 43, §8.15, OF THE ZONING LAW
REQUIRE PLANNING BOARD REVIEW OF APPLICATIONS
RELATING TO ANTENNAS ON EXISTING STRUCTURES IN NONRESIDENTIALLY
ZONED AREAS**

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

Section 1: Chapter 43 (Zoning) § 8.15.D of the Town Code of the Town of Orangetown, relating to telecommunication facilities, shall be amended to remove the distinction in the application and approval procedure between proposed structures to be located in residential and non-residential zoning areas. As amended, § 8.15.D shall read:

NORMAL = EXISTING LANGUAGE THAT WILL REMAIN
BOLD AND UNDERLINED TYPE = PROPOSED ADDITIONS
~~STRIKEOUTS~~ = PROPOSED DELETIONS

Chapter 43. Zoning. Article VIII. Conditional Use Standards

§ 8.15. Wireless communication facilities.

* * *

D. Procedure; fee.

(1) All proposals to erect or operate wireless communication facilities shall be accompanied by a facility service plan which shall include information necessary to allow the Planning Board to understand the existing, proposed and long-range plans of the applicant. The facility service plan shall include at least the following information:

- (a) The location, height and operations characteristics of all existing facilities of the applicant in and immediately adjacent to the Town.
- (b) A commitment to colocate or allow colocation wherever possible on all existing and proposed facilities.

~~(2) In nonresidentially zoned areas, the location of antennas on existing water tanks, power lines, roof tops or any other existing structure may be approved by the Building Inspector upon compliance with all applicable sections of this section and the following:~~

- ~~(a) The existing antenna facility complies with the provisions of this article;~~
- ~~(b) To the extent antennas are being colocated, the consolidated, shared or coused antenna facility complies with the conditions set forth in this article;~~
- ~~(c) The planned equipment would not exceed the structural capacity of the existing antenna mounting structure; and~~
- ~~(d) The planned equipment will not cause interference with existing equipment.~~

~~(3)~~**(2)** In residentially zoned areas, ~~a~~**All** proposed antennas and all proposed antenna towers are subject to the issuance of a special permit by the Planning Board after review and approval by the Architecture and Community Appearance Board of Review.

~~(4) In nonresidentially zoned areas, all proposed antenna towers are subject to the issuance of a special permit by the Planning Board after review and approval by the Architecture and Community Appearance Board of Review.~~

~~(5)~~**(3)** The applicant shall provide funds to an escrow account to allow the Building Inspector or the Planning Board to retain such technical experts involving radio frequency as may be necessary to review the proposal, provided that no funds shall be deposited until a scope of work is agreed upon among the applicant, the expert and the Board.

Proposed Local Law - Continued

~~(6)~~**(4)** The Planning Board is hereby authorized to issue a special permit under the provisions of this article subject to all of the special requirements and conditions herein and any requirements which may be made a part hereof.

~~(7)~~**(5)** Application to the Planning Board for a special permit under this article shall be accompanied by a fee of \$250.

~~(8)~~**(6)** Prior to or concurrent with the filing of a formal application to the Planning Board to obtain a special permit under this article, the applicant shall submit information needed to meet the requirements of the New York State Environmental Quality Review Act (SEQRA) to the Planning Board, which Board shall determine whether the requirements of SEQRA have been met. The Planning Board may hold a public hearing under the provisions of SEQRA and this article whenever practicable. In the event that a final SEQRA determination has not been made, no application for a special permit under this article shall be granted.

~~(9)~~**(7)** The Planning Board shall hold a public hearing on due notice within 62 days after submission of a formal completed application, including such technical information from the applicant as may be required by the Planning Board for a special permit under the provisions of this article.

Section 2: This local law shall become effective immediately upon filing with the Secretary of State.

RESOLUTION NO. 501

**AMEND RESOLUTION NO. 433/2017
SET PH/CONTRACT/BLAUVELT FIRE
DISTRICT**

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

WHEREAS, Resolution 433 of 2017 set a public hearing date of October 3, 2017 for the Blauvelt Fire District contract; and

WHEREAS, by law the hearing date for all fire districts is October 17, 2017;be it

RESOLVED, that the Town of Orangetown hereby amends Resolution No. 433/2017 to set a public hearing for Tuesday, October 17, 2017, 8:05pm for the Blauvelt Fire District contract.

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

RESOLUTION NO. 502

**SET PH/PROPOSED NEW LOCAL LAW
AMENDING CHAPTER 24C PROPERTY
MAINTENANCE §24C-10(B): PARKING &
STORAGE OF VEHICLES**

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

RESOLVED, the Town Board hereby sets a public hearing November 14, 2017, 8:05pm to consider a proposed local law, amending Chapter 24C, entitled Property Maintenance, §24C-10(B), Parking and Storage of Vehicles.

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

**PROPOSED LOCAL LAW
AMEND CHAPTER 24C §24C-10(B)
PROPERTY MAINTENANCE §24C-10(B)
PARKING & STORAGE OF VEHICLES**

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ORANGETOWN AS FOLLOWS:

Section 1.

Purpose: The Town Board (“Board”) of the Town of Orangetown, New York (“Town”) hereby finds that there is a critical and compelling need, in the public interests as set forth herein, to protect the character of its residential areas, and the health, safety and welfare of its residents to ensure that properties in a residential district are used for residential purposes. The objective of this local law is to clarify that properties in residential zoning districts shall be used in accordance with the use tables previously established by the Town.

Section 24C-10(B) currently permits commercial repairs of vehicles in residential districts under certain circumstances, which is not in the best interests of the property owners and residents in these districts.

Section 2.

Therefore, §24C-10(B) of the Town of Orangetown entitled “Parking and Storage of Vehicles” is amended to read as follows (additions are underlined, deletions are strikethrough):

No commercial or for hire automotive repairs shall take place on any property located in any residentially zoned district, in the unincorporated portion of the Town of Orangetown, involving two or more vehicles located simultaneously on said premises, for which a registration certificate has been issued to an address other than the premises in question.

Section 3. Severability Clause

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid parts.

Section 4. Effective Date

This Local Law shall become effective immediately upon being filed with the Secretary of State.

RESOLUTION NO. 503

**AID / TEAM KJ MICKEY SULLIVAN
DUATHLON**

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

RESOLVED, that the Town Board hereby authorizes the Highway and Police Department to lend assistance, which includes the use of barrels, verticades, cones and barricades and Auxiliary Police, for the Team KJ run on Sunday, October 8, 2017, from 7 am to 2 pm.

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

Noes: None

RESOLUTION NO. 504

**DECLARE SURPLUS EQUIPMENT
HIGHWAY**

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

RESOLVED, that upon the recommendation of the Superintendent of Highways, the Town Board hereby declares the following equipment as surplus:

1990	FWD	1F9AH28R4LCFT1125
1992	FWD	1F9AA28G6NCFT1083
1988	FWD	1F9AH28R8JCFT1142
2005	FELLING TRAILER	5FTTE162551024962
2006	FELLING TRAILER	5FTTE162561026079

FWD PARTS BY PALLET

1. Two rear differentials complete, Two rear differential ring and pinion gear sets, Miscellaneous yokes, pinion nuts, spider gears and crosses, bearings, cups, ring gear adjusting nuts, clutch pack pads and spacers, wheel nuts and locks.
2. Transfer Case gears, power divider housings and parts, shift forks, miscellaneous transfer case parts.
3. Six rear brake shoes relined 8, front brake shoes relined, extra front shoe lining, S-cams and bushings, brake hardware, seals, all parts associated with brakes.
4. Three rear skeins, Suspension hangers, pins and bushings, front hub ends, Tie rod ends and miscellaneous suspension and steering parts.
5. Miscellaneous body and cab parts, gauges, switches, fan motors, air powered wiper motors, door hinges, fuel tank and 2 support brackets and assorted parts associated with the cab.
6. 8-Long rear axles, I-Short rear axle, miscellaneous exhaust pipes and parts.

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

RESOLUTION NO. 505

SHOWMOBILE/S. ORANGETOWN DAY

Councilman Valentine offered the following resolution, which was seconded by Councilman Diviny 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 South Orangetown Day Committee, for their South Orangetown Day on Saturday, October 14, 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 Valentine, Diviny, Troy, Bottari
 Supervisor Stewart
 Noes: None

RESOLUTION NO. 506

**FAILED /ASSISTANT PLANT
OPERATORS SALARY CHANGE
GRADE 16 /DEME**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Valentine and on a roll called **FAILED**:

WHEREAS, Assistant Plant Operators (APO) are vital for the operation and maintenance of the Wastewater Treatment Plant, pump stations and the sewer collection system. Their qualifications are dictated by the New York State Department of Conservation (NYSDEC) and these titles and functions are mandated by the NYSDEC. There is a series of required courses, minimum training, experience, testing and on-going training to maintain an Operator's

RESOLUTION NO. 506 - Continued

certification. This is in addition to required Civil Service testing and regulations. There is a shortage of APO partly due to the stringent requirements, high level of responsibility and modest salary.

WHEREAS, the NYSDEC mandates that a WWTP with a score of 56-75 have either a Chief Operator or APO (minimum grade 2) be present and in responsible charge of the facility. They must respond to any inquiry by the NYSDEC whether it is from an unannounced site visit or other type of correspondence at any time and will be held responsible for full compliance or may face personal fines/imprisonment or loss of certification.

WHEREAS, the Orangetown WWTP has a score of 72.25. If one more element of treatment is required in the future by the NYSDEC, the WWTP score will most likely exceed 75 and APO will then be required to have a grade 3 certification. There are new conditions in our renewed SPDES permit that will increase the scoring of the WWTP most likely by 2020.

WHEREAS, it is in the best interest of the Town of Orangetown to employ APO with grade 3 certifications and to create an incentive for other APO to obtain a grade 3 certification. This insures that there are qualified individuals operating and maintaining the WWTP and it's facilities and will safeguard the Town when the scoring of the WWTP is upgraded. This can be done by paying APO a salary commensurate with their levels of responsibility.

Therefore, resolved that Assistant Plant Operators with a grade 3 certification be paid at CSEA contract **grade 16**, subject to CSEA approval.

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

RESOLUTION NO. 507

**ASSISTANT PLANT OPERATORS
SALARY ORIGINAL CHANGE
GRADE 17 /DEME**

Councilman Troy offered the following resolution, which was seconded by Councilman Diviny and on a roll call was adopted:

WHEREAS, Assistant Plant Operators (APO) are vital for the operation and maintenance of the Wastewater Treatment Plant, pump stations and the sewer collection system. Their qualifications are dictated by the New York State Department of Conservation (NYSDEC) and these titles and functions are mandated by the NYSDEC. There is a series of required courses, minimum training, experience, testing and on-going training to maintain an Operator's certification. This is in addition to required Civil Service testing and regulations. There is a shortage of APO partly due to the stringent requirements, high level of responsibility and modest salary.

WHEREAS, the NYSDEC mandates that a WWTP with a score of 56-75 have either a Chief Operator or APO (minimum grade 2) be present and in responsible charge of the facility. They must respond to any inquiry by the NYSDEC whether it is from an unannounced site visit or other type of correspondence at any time and will be held responsible for full compliance or may face personal fines/imprisonment or loss of certification.

WHEREAS, the Orangetown WWTP has a score of 72.25. If one more element of treatment is required in the future by the NYSDEC, the WWTP score will most likely exceed 75 and APO will then be required to have a grade 3 certification. There are new conditions in our renewed SPDES permit that will increase the scoring of the WWTP most likely by 2020.

WHEREAS, it is in the best interest of the Town of Orangetown to employ APO with grade 3 certifications and to create an incentive for other APO to obtain a grade 3 certification. This insures that there are qualified individuals operating and maintaining the WWTP and it's facilities and will safeguard the Town when the scoring of the WWTP is upgraded. This can be done by paying APO a salary commensurate with their levels of responsibility.

RESOLUTION NO. 507 - Continued

Therefore, resolved that Assistant Plant Operators with a grade 3 certification be paid at CSEA contract **grade 17**, subject to CSEA approval.

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

RESOLUTION NO. 508

**POLICE REGULATION / RESTRICT
PARKING / FOREST AVE/PEARL
RIVER/SIX MONTH TRIAL**

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

WHEREAS, the Traffic Advisory Board for several months has reviewed and discussed residents' concerns about traffic on Forest Avenue at North Middletown Road;

RESOLVED, that the Town Board supports the recommendation of the Traffic Advisory Board to restrict parking on the north side of Forest Ave, from North Middletown Road to house #185 and on the south side of Forest Avenue, from North Middletown Road to house #184, for a six-month trial period, effective October 1, 2017.

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

RESOLUTION NO. 509

AID/ POW'R AGAINST TOBACCO RUN

Under new business, Supervisor Stewart 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, which includes the use of barricades and (5) Auxiliary Police Officers, for the POW'R Against Tobacco, on Sunday, October 22, 2017, from 9am to 2 pm.

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

RESOLUTION NO. 510

**AID/ USE OF TOWN ROADS/VELOCITY
COLUMBIA'S RIDE TO END CANCER**

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

RESOLVED, that the Town Board hereby authorizes the Highway Department in conjunction with the Rockland County Highway Department, to use the roadways for The Velocity Columbia's Ride, to end Cancer on Saturday, October 7, 2017, from 10:30 am to 1:00 pm.

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

RESOLUTION NO. 511

**EXTENSION / ACCESS AGREEMENT
JPMORGAN CHASE BANK**

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

RESOLUTION NO. 511 - Continued

WHEREAS, by Resolution No. 61 of 2017, the Town Board authorized the Supervisor to execute an Access Agreement with JPMorgan Chase (“JPMC”), effective 2/17/17 through 6/1/17 (the “Agreement”), allowing JPMC to access Town owned lands and structures at the Rockland Psychiatric Center for the purpose of conducting a due diligence review relevant to its contemplated purchase of such lands for eventual development and use as a data center; and

WHEREAS, by Resolution No. 287 of 2017, the said Agreement was extended, on the same terms and conditions, through and including September 1, 2017; and

WHEREAS, JPMC has advised that a further extension of the Agreement is required, as the parties work with each other and the State of New York, acting through the Office of Mental Health and other State agencies to finalize the various documents and agreements necessary to close title,

WHEREAS, by Resolution No. 454 of 2017, the said Agreement was extended, on the same terms and conditions, through and including September 30, 2017 or such earlier date as the Town shall convey the property to JPMChase; and

WHEREAS, JPMC has advised that even a further extension of the Agreement is required as the parties work with each other and the State of New York, acting through the Office of Mental Health and other State agencies to finalize the various documents and agreements necessary to close title,

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Supervisor, or his designated representative, to execute a letter agreement on behalf of the Town, extending the Agreement, on the same terms and conditions, through and including November 30, 2017, subject to evidence of continuing insurance coverage as required under the Agreement, such coverage naming the Town, its officers, employees and agents as “additional insured” under the General Liability (and excess) insurance policies of JPM Chase and its contractors and subcontractors.

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

RESOLUTION NO. 512

SET PUBLIC HEARING/ DECLARE TOWN BOARD'S INTENT TO BE LEAD AGENCY / 2018-ONE YEAR CONTRACT/ORANGETOWN LIBRARY DISTRICTS

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

RESOLVED, the Town Board hereby sets Tuesday, October 17, 2017 at 8:10 pm for a public hearing on the proposed Contracts between the Town and the Blauvelt Free Library, the Orangeburg Library, the Palisades Free Library, and the Tappan Free Library, for library services in and throughout the boundaries of their district as contained in the Orangetown Library District, and including the residents of Sparkill as delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012, within the Town for 2018; and

BE IT FURTHER RESOLVED, that in connection therewith, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review under SEQRA and makes the preliminary determination that the action is an “unlisted” action under SEQRA.

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

RESOLUTION NO. 513

AID/ SOUTH ORANGETOWN DAY

Under new business, 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 & Parks Departments to lend assistance, which includes recycling bags & bins ,message boar, dumpster garbage cans & lighted barricades around the show mobile and (1) regular and (1) ADA accessible port-o-san, for South Orangetown Day, on Saturday, October 14, 2017, from 11 am to 6 pm.

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

RESOLUTION NO. 514

WALKWAY OF HEROES/ /VFW POST 1615 / COMMEMORATIVE STONE

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

WHEREAS, 50 years ago a group of patriotic citizens formed a committee to establish a memorial, on the triangular land island formed, by the intersections of Independence Avenue and Lowe Lane in Tappan, to commemorate Camp Shanks; and

WHEREAS, Camp Shanks, located in Orangetown, was the main embarkation point to Europe, for our soldiers during World War II; and

WHEREAS, this resulted in a memorial that featured a statue, captured WWII German canons, and battle stones commemorating the campaigns fought by our troops. Orangetown's Camp Shanks Memorial Park has been subsequently expanded to include the Walkway of American Heroes; and

WHEREAS, there is an existing 21 x 27 granite dedication stone placed in the north east corner of the assembly area by the statue for the Walkway of American Heroes; and

WHEREAS, the work of the original group of citizens should also be acknowledged with an identical dedication stone that lists all of the committee members and the other contributors as they established the park we all value as a reminder of Orangetown's rich history and its significance in the defense of our nation; and

WHEREAS, the cost of this commemorative stone including the lettering and its flush placement in the paving bricks near the flag pole has been quoted at \$3,000 by Travis Monuments;

RESOLVED, that the Town Board hereby authorizes a pledge of \$3000 to VFW Post 1615 for the purchase and installation of a commemorative stone including the lettering and its flush placement in the paving bricks near the flag pole.

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

RESOLUTION NO. 515

GRANT APPLICATION/STATE AND MUNICIPAL FACILITIES PROGRAM OAK TREE ROAD SIDEWALKS \$125,000

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

WHEREAS, Orangetown has invested in constructing sidewalks along Oak Tree Road from Route 9W in Palisades to Tappan; and

RESOLUTION NO. 515 - Continued

WHEREAS, the Orangetown Highway Department has identified the construction of sidewalks along Oak Tree Road in Tappan, from the J.B. Clarke Rail Trail to Route 303 as a priority; and

WHEREAS areas remain along Oak Tree Road where no sidewalks exist; and

WHEREAS Assembly member Ellen Jaffee has committed to supporting a grant of \$125,000 through the State and Municipal Facilities Program towards the construction of the remaining sidewalks along Oak Tree Road;

BE IT RESOLVED that the Town of Orangetown hereby authorizes the Town Supervisor to pursue a grant of \$125,000, through the State and Municipal Facilities Fund and further authorizes the Supervisor and/or his designee to sign and execute any related documents as necessary to receive this funding.

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

RESOLUTION NO. 516

**GRANT APPLICATION/NYS MULTI-MODAL PROJECT FUNDING
PEDESTRIAN SAFETY IMPROVEMENTS
PEARL RIVER TRAIN STATION/\$125,000**

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

WHEREAS, the NYS Multi-Modal Program provides reimbursement funding may be used to support capital improvements on certain State or local highways, bridges, rail, port, fixed ferry facilities, or airport projects with a ten year minimum service life; and

WHEREAS, all projects must be primarily for an eligible public transportation purpose and use; and

WHEREAS, the Orangetown Highway Department has identified a need for road and sidewalk improvements around the Pearl River Train Station to improve and enhance pedestrian safety; and

WHEREAS, Assembly member Ellen Jaffee has committed to supporting a grant of \$125,000 through the Multi-Modal Program, towards the construction road and sidewalk improvements around the Pearl River Train Station to improve and enhance pedestrian safety; and

BE IT RESOLVED that the Town of Orangetown hereby authorizes the Town Supervisor to pursue a grant of \$125,000, through the Multi-Modal Program and further authorizes the Supervisor and/or his designee to sign and execute any related documents as necessary to receive this funding.

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

RESOLUTION NO. 517

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

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

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

RESOLUTION NO. 517 - Continued

1. Town Board minutes: September 5, 2017 Police Commission; September 5, 2017 Workshop; and September 12, 2017 Regular Town Board Meeting.
2. Agreement with Orange & Rockland Utilities: Vegetation Management, J B, Clarke Rail Trail (Delongis Ct., Section).

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

Noes: None

RESOLUTION NO. 518

APPOINT JANE SLAVIN/ OFFICE OF EMERGENCY MANAGEMENT COMMITTEE

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

RESOLVED, that the Town Board hereby appoints Jane Slavin to serve as a member of the Office of Emergency Management Committee, for the remainder of the term of John Giardiello, P.E., who resigned, and whose term expires on December 31, 2017.

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

Noes: None

RESOLUTION NO. 519

APPOINT JANE SLAVIN/ PROJECT REVIEW COMMITTEE

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

RESOLVED, that the Town Board hereby appoints Jane Slavin to serve as a member of the Project Review Committee, for the remainder of the term of John Giardiello, P.E., who resigned, and whose term expires December 31, 2017.

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

Noes: None

RESOLUTION NO. 520

PAY VOUCHERS

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

RESOLVED, upon the recommendation of the Finance Director, the Finance Office is hereby authorized to pay vouchers on three (3) warrants, for a total amount of \$1,914,460.44.

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

Noes: None

RESOLUTION NO. 521

**ENTER EXECUTIVE SESSION
CSEA CONTRACT**

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

RESOLUTION NO. 521 - Continued

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

RESOLVED, at 9:28 p.m. the Town Board entered Executive Session to discuss the CSEA contract. Supervisor Stewart said no further votes will be taken.

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

RESOLUTION NO. 522

RE-ENTERED RTBM/ADJOURNED

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

RESOLVED, at 9:55 pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of Benjamin Roujansky, Orangeburg resident, former Post Commander of the Jewish War Veterans Post 731, former Commander of the Raymond W. DeMeolia Veterans of Foreign Wars Post 1615, and docent at the Camp Shanks Museum; Margaret Donovan, Pearl River; Peter Bohan, Pearl River; and Captain William Archacki, grandfather of Orangetown PO Gregory Baisley, and retired from the Clarkstown Police Department.

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

Charlotte Madigan, Town Clerk