

**TOWN OF ORANGETOWN
WORKSHOP/POLICE COMMISSION/PUBLIC HEARING
TUESDAY, JANUARY 19, 2016**

This Workshop Meeting was opened at 8:10 p.m. Supervisor Stewart presided and Charlotte Madigan, Town Clerk, called the roll.

Present were: Councilman Thomas Diviny
Councilman Paul Valentine
Councilman Gerald Bottari

Absent: Councilman Denis Troy

Also present: Charlotte Madigan, Town Clerk
John Edwards, Town Attorney
Teresa Kenny, Deputy Town Attorney
Janice Ganley, Supervisor of Fiscal Services Finance Director
Stephen Munno, Sr. Administrative Assistant of Highways
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks, Recreation & Building Maint
Donna Morrison, Personnel Director
Kevin Nulty, Police Chief
Donald Butterworth, Police Captain
James Brown, Police Captain

Pledge of Allegiance to the Flag of the United States of America was led by Devon O'Loughlin, St. Margaret's Troop 34

ANNOUNCEMENTS: February 2, 2016, 8:00 P.M. – Public Hearing Re: Cuomo Zone Change

PRESENTATIONS: Pilot Agreement – Nyack Point Apartments
(Gerri Levy, Rockland Housing Action Coalition, Inc.)

RESOLUTION NO. 31

**ENTERED POLICE COMMISSION
MEETING/POLICE MATTERS**

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

RESOLVED, at 7:00 p.m., the Town Board entered the Police Commission Meeting to discuss various Police matters.

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

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RESOLUTION NO. 32

ENTERED EXECUTIVE SESSION

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

RESOLVED, at 7:20 p.m., the Town Board entered an Executive Session to discuss Personnel matters.

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

RESOLUTION NO. 33**ENTERED WORKSHOP MEETING**

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

RESOLVED, at 8:10 p.m., the Town Board entered the Workshop to discuss and review the Agenda items.

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

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RESOLUTION NO. 34**OPEN PH/CDBG-COMMUNITY
DEVELOPMENT BLOCK GRANT
DOWLING GARDENS**

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

RESOLVED, that the public hearing to consider the 2016 CDBG Grant Application, is hereby opened.

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

Summary of Public Comments:

Sr. Peggy Scarano, OP, Dominican Sisters of Sparkill, explained the Dowling Gardens CDBG Application. Dowling Gardens, a 111-unit housing community servicing low and moderate income senior citizens, is requesting funding to enable the on-going development of a program that offers a variety of life-enhancing activities to a targeted resident population suffering from age related dementia.

The program was initiated in 2014 with \$10,000 in CDBG funding and expanded in 2015 with a second year of CDBG support. Existing social and recreational programs were continued and new activities were introduced (drumming, improvisation, storytelling, etc.). Grant funds also allowed Dowling Gardens to contract with the noted gerontologist Kerry Mills and her colleagues at the consulting firm *Engaging Alzheimer's (EA)*. During regularly scheduled on-site sessions, *Engaging Alzheimer's* has designed and initiated a training program for the Dowling staff. These sessions are providing staff members with the understandings and "best practices" necessary to meet the daily behavioral challenges they face in caring for a frail elderly clientele.

The goal of the CDBG-funded program was to develop activities that would improve the quality of life of Dowling residents suffering from dementia who were unwilling and/or unable to participate in program offerings attractive to their more able neighbors. Over the course of the past 18 months significant progress has been made in reaching this goal.

A better prepared staff has developed a variety of activities that have engaged those with memory loss. An unanticipated bonus was the degree to which these activities have also attracted more active residents allowing a social mixing that did not previously exist.

A third year of funding in the amount of \$10,000.00 is requested:

- to expand the training offered by *Engaging Alzheimer's* to include auxiliary staff and family members so they can learn more positive ways to interact with residents and improve their caregiving skills
- to increase popular program offerings from once a month to once a week
- to search out new activities and purchase supplies and equipment as needed
- to allow for additional professional musical performances

A third year of funding will allow for completion of staff training and the acquisition of needed equipment. It will provide a firm foundation for a program that going forward will allow elderly

persons dealing with dementia to enjoy a better quality of life and greater involvement with their neighbors.

Barbara Dello, retired nurse, asked if there were “strings attached” to the fund monies that would target end-of-life counseling.

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RESOLUTION NO. 35

CLOSE PH/CDBG-COMMUNITY DEVELOPMENT BLOCK GRANT/DOWLING GARDENS

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

RESOLVED, that the public portion is hereby closed.

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

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RESOLUTION NO. 36

APPROVE/ACCEPT/SUBMIT CDBG – COMMUNITY DEVELOPMENT BLOCK GRANT/DOWLING GARDENS

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

RESOLVED, that the Orangetown Town Board approves, the 2016 CDBG Committee’s recommendation (Dowling Gardens), to be submitted to the County of Rockland Community Development Office for consideration and approval.

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

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RESOLUTION NO. 37

OPEN PH/PROPOSED LOCAL LAW AMENDING THE TOWN ZONING LAW/PROHIBITED USES AND CHANGES TO THE TABLE OF GENERAL USE REGULATIONS FOR THE “LP” ZONING DISTRICT

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 that would amend the §§ 4.41, 4.42 and 4.45 of the Town Code of the Town of Orangetown, relating to “Prohibited uses” and processes, and, further, make changes to the Table of General Use Regulations 43 Attachment 7, Column 2, Permitted Use 9, applicable to the “LI” zoning district is hereby opened.

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

Charlotte Madigan, Town Clerk presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 01-A-16 and made a part of these minutes.

Summary of Public Comments:

Heather Hurley, Pearl River, is pleased to hear Anellotech will be moving their next phase of BTX production to Texas, however, the Town Board needs to work on making modifications to

the proposed amendment language that will eliminate Sec. 3 now that Anellotech is moving and asked the Town Board to explain why current language should remain. New laws are welcomed to tighten current codes; however, they must ensure the safety of future generations yet protect “true” research facilities. The Town Board now has an opportunity to enact legislation that will benefit the people who live here from harmful toxins.

Dr. Kathleen Kelley, Pearl River, her efforts are to ensure the health and welfare of the community and thinks the Town is still vulnerable. The Town needs to stay abreast of emerging technologies in relation to code changes, she suggests the creation of a **Citizens Advisory Board** to help with applications going forward and pointed out that many people in the community have the expertise to assist the Town.

William Bahary, Ph. D. Chemistry, Pearl River, made reference to his letter that appeared in the “Our Town” publication, and reiterated the four provisions of the Zoning Code he states Anellotech’s process’ are in violation of and thinks is it essential not to allow grandfathering; the Town needs to study the zoning codes.

Emil Bahary, Pearl River, recommends the Town Board postpone the amendment of the permitted use code for now, in particular, because of the grandfather clause. The clause only legitimizes the wrongful decisions of the Planning and Zoning Boards. A postponement will allow for the Town Board to make better decisions.

James Riley, Pearl River, said there are continuing very serious issues which should not be set aside. There should be no grandfathering with regard to approvals. There is an endemic problem with the code; the fight has not just been about manufacturing or production, but the fact that research was used as a giant crowbar to drive the project through our zoning code.

RESOLUTION NO. 38

CONTINUATION/PH/PROPOSED LOCAL LAW/AMENDING THE TOWN ZONING LAW/PROHIBITED USES AND CHANGES TO THE TABLE OF GENERAL USE REGULATIONS FOR THE “LI” ZONING DISTRICT

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

RESOLVED, that the public hearing on a proposed Local Law that would amend the §§ 4.41, 4.42 and 4.45 of the Town Code of the Town of Orangetown, relating to “Prohibited uses” and processes, and, further, make changes to the Table of General Use Regulations 43 Attachment 7, Column 2, Permitted Use 9, applicable to the “LI” zoning district is hereby, continued for February 2, 2016, 8:00pm

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

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**PROPOSED LOCAL LAW
AMENDING CHAPTER 43, § 4.4, OF THE ZONING LAW OF THE TOWN OF ORANGETOWN RELATING TO PROHIBITED USES**

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

Section 1: Chapter 43 §§ 4.41, 4.42 and 4.45 of the Town Code, relating to Prohibited Uses throughout the Town of Orangetown, is hereby amended to include additional uses and processes, and otherwise to clarify the nature and extent of the prohibition in the context of all such uses and processes determined to be inconsistent with the general health, safety and welfare of residents of the Town. As amended, the said sections of the Code shall read as follows:

§ 4.4 Prohibited uses.

The uses which are listed in this section are prohibited in the Town.

- 4.41 “Manufacturing”, as defined in § 11.2, ~~uses~~ involving primary production of the following products from raw materials: asphalt, cement, charcoal and fuel briquettes; chemicals, solvents and similar such materials, including benzene, toluene, xylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn and hydrochloric, nitric, phosphoric, picric and sulphuric acids; coal, coke and tar products, including gas manufacturing; explosives; fertilizers; gelatin, glue and size (animal); linoleum and oilcloth; matches; paint, varnishes and turpentine; rubber (natural or synthetic); soaps, including fat rendering; and starch.
- 4.42 “Manufacturing”, as defined in § 11.2, ~~which involves~~ the following processes: nitrating of cotton or other materials; milling or processing of flour, feed or grain; magnesium foundry; reduction, refining, smelting and alloying of metal or metal ores; refining secondary aluminum; refining petroleum products, such as gasoline, kerosene, naphtha and lubricating oil; distillation of wood or bones; and reduction and processing of wood pulp and fiber, including paper mill operations; waste gasification.
- 4.45 Dumps; junkyards; sewage treatment plants; waste gasification and similar such facilities; incinerators not accessory to a principal use; and sanitary landfill operations not accessory to a principal use; except any of the above when municipally owned and operated.

Section 2: The Table of General Use Regulations to the Town Zoning Code, established under Chapter 43, § 3.11, applicable to the “LI” zoning District, 43 Attachment 7, Col. 2, Permitted Use 9, shall be amended, and, as amended, shall read as follows:

Uses Permitted by Right

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- 9. ~~All types of~~ Manufacturing, Light Manufacturing and Laboratory and Research Facilities (except “manufacturing”, as specifically prohibited in § 4.4), subject to, and in compliance with, the performance standards procedure, § 4.12, and additional use regulations.

Section 3: This amendment to Town Code § 4.4 shall not apply to any existing use or to any proposed use or project that, on the date of enactment, has received site development plan approval, to the extent of, and in accordance with, such approval.

Section 4: This law shall take effect immediately upon filing with the Secretary of State.

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RESOLUTION NO. 39

NOMINATE/JONATHAN M. FISHER/POLICE OFFICER

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

RESOLVED, that upon the recommendation of the Chief of Police, nominate Jonathan M. Fisher, from Rockland County Civil Service List # 12100/61-134 to the position of “Police Officer/Resident of the Town of Orangetown”, with his permanent appointment dependent upon him successfully completing the remaining phases of the Rockland County Civil Service testing and background investigation processes.

- Ayes: Councilman Bottari, Diviny, Valentine
Supervisor Stewart
- Noes: None
- Absent: Councilman Troy

RESOLUTION NO. 40

NOMINATE/APPOINT/DANIELLE MILLER/TEMPORARY POLICE OFFICER

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

RESOLVED, that upon the recommendation of the Chief of Police, per the authorization of the Commissioner of the Rockland County Department of Personnel, and with the understanding that she will need to successfully complete all other phases of the civil service certification and background investigation processes in order to receive a permanent appointment, nominate/appoint, Danielle Miller, from Rockland County Civil Service List # 12100/61-134 to the position of “Temporary Police Officer/Resident of the Town of Orangetown”, effective February 8, 2016, for the sole purpose of allowing her to attend the DCJS Basic Police Officer training program at the Rockland County Police & Public Safety Academy, Pomona, NY, at a salary consistent with the labor agreement between the Town of Orangetown and the Orangetown PBA.

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

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RESOLUTION NO. 41

NOMINATE/APPOINT/CARAH C. DEPETER/TEMPORARY POLICE OFFICER/RESIDENT OF ORANGETOWN

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

RESOLVED, that upon the recommendation of the Chief of Police, per the authorization of the Commissioner of the Rockland County Department of Personnel, and with the understanding that she will need to successfully complete all other phases of the civil service certification and background investigation processes in order to receive a permanent appointment, nominate/appoint, Carah C. Depeter, from Rockland County Civil Service List # 12100/61-134 to the position of “Temporary Police Officer/Resident of the Town of Orangetown”, effective February 8, 2016, for the sole purpose of allowing her to attend the DCJS Basic Police Officer training program at the Rockland County Police & Public Safety Academy, Pomona, NY, at a salary consistent with the labor agreement between the Town of Orangetown and the Orangetown PBA.

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

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RESOLUTION NO. 42

NOMINATE/APPOINT/GREGORY J. CAPEZZUTO/TEMPORARY POLICE OFFICER

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

RESOLVED, that upon the recommendation of the Chief of Police, per the authorization of the Commissioner of the Rockland County Department of Personnel, and with the understanding that he will need to successfully complete all other phases of the civil service certification and background investigation processes in order to receive a permanent appointment, nominate/appoint, Gregory J. Capezzuto, from Rockland County Civil Service List # 12100/61-134 to the position of “Temporary Police Officer/Resident of the Town of Orangetown”, effective February 8, 2016, for the sole purpose of allowing him to attend the DCJS Basic Police Officer training program at the Rockland County Police & Public Safety

RESOLUTION NO. 42

Academy, Pomona, NY, at a salary consistent with the labor agreement between the Town of Orangetown and the Orangetown PBA.

Ayes: Councilpersons Valentine, Diviny, Bottari
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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RESOLUTION NO. 43

**NOMINATE/APPOINT/JAMES N.
PACELLA/TEMPORARY POLICE
OFFICER/RESIDENT OF
ORANGETOWN**

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

RESOLVED, that upon the recommendation of the Chief of Police, per the authorization of the Commissioner of the Rockland County Department of Personnel, and with the understanding that he will need to successfully complete all other phases of the civil service certification and background investigation processes in order to receive a permanent appointment, nominate/appoint, James N. Pacella, from Rockland County Civil Service List # 12100/61-134 to the position of "Temporary Police Officer/Resident of the Town of Orangetown", effective March 18, 2016, for the sole purpose of allowing him to complete the DCJS Basic Police Officer training program at the Rockland County Police & Public Safety Academy, Pomona, NY, at a salary consistent with the labor agreement between the Town of Orangetown and the Orangetown PBA

Ayes: Supervisor Stewart
Councilpersons Bottari, Diviny, Valentine

Noes: None

Absent: Councilman Troy

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RESOLUTION NO. 44

ADJOURN IN MEMORY

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

RESOLVED, at 9:58 p.m., the Town Board adjourned this meeting in memory of Abigail Flanagan, Sparkill; and June Alfieri, Valley Cottage.

Ayes: Supervisor Stewart
Councilpersons Bottari, Diviny, Valentine

Noes: None

Absent: Councilman Troy

Charlotte Madigan, Town Clerk