

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, MARCH 15, 2016**

This Regular Town Board Meeting was opened at 7:35 p.m. Supervisor Stewart presided and the Deputy Clerk, called the roll. Present were:

Councilman Denis Troy
Councilman Thomas Diviny
Councilman Paul Valentine
Councilman Gerald Bottari

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

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

Summary of Public Comments (RTBM):

Allyson Sullivan, Blauvelt, voiced her concerns of toxic burning plastic smell from Aluf Plastics. She asked for help to make sure Aluf Plastics is not in any violation of Town Code.
John Buckley, Orangeburg Library Trustee, announced that Mary Kane, Director of the Library has resigned. He spoke about her dedication to the library and their Outreach Program.
Ester Baitler, Sparkill, wanted to hear from the Town Board, the status on the bus shelter and sidewalks, along Route 340.
Mike Mandel, Pearl River, is glad to see a promising project for the STEJ (RPC) property. He is in favor of lifting the contractual restrictions and/or covenants conveyed to STEJ.
Susan Nemesdy, Palisades, said parking in the triangle (parkland) area across from the Palisades Post Office is a problem. She asked for help in restoring it back to parkland.
Heather Hurley, Pearl River, said the Town Code prohibits manufacturing plastic materials from raw materials. Why did the Land Use Boards approve Aluf Plastics? Who is reviewing the air monitoring? Why is the Town Code relating to Prohibited Uses being ignored? She would like to see the plans for the Pedestrian project, along Middletown Road.
Eileen Larkin, Palisades, is in favor of New York City Football Club's private practice facility proposal. She informed that Suez (United Water) is looking for another rate hike. She suggested having awareness and history month's displays.
Nick Frustaci, Sparkill, wanted to know if Broadacres had a loss or profit and he wants to see the figures.

RESOLUTION NO. 160

CLOSE PUBLIC COMMENTS

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, Troy, Diviny, Bottari
Noes: None

John Giardiello, Director of OBZPAE, explained Aluf Plastics came into the Town in the 1980's and prior to that there was another manufacturing company in that building since the 1960's. Over the years, we have received odor complaints, a burning plastic smell, coming from Aluf Plastics. We do not actually handle odor complaints. The Health Department does. About three years ago, the County Health Department had Aluf Plastic put in a state of the art scrubber. They worked closely with Greg Price, who is no longer with the Health Department. Aluf Plastic was helped by the Health Department in getting a consultant, who designed the scrubber system. I received an anonymous complaint back in January. The women came into my office but would not give her name or address. I had Paul Witte. Code Enforcement Officer, go around the area several times. Up until about February, he said he did not smell

any odors. I am not sure exactly when the odors were smelled (days/times). The Building Department can check into it, but they do not really enforce the odor control.

Councilman Troy - we have scrubbers down at the Sewer Department. The filters that are in the scrubbers are very expensive and have to be maintained or rotated.

John Giardiello said, again, we did not handle the scrubber portion that was through the County Health Department. They may have been notified at the time. The Health Department was the local jurisdiction handling it. I will check with the Health Department, but I do not think anyone does that anymore.

Supervisor Stewart said the County Health Code, was amended, part of the Health Department mission was removed, leaving the Town without a follow-up procedure. I talked to Ed Day and he said the DEC handles these things. Town residents, who feel like they are in limbo, as far as where to turn, and if they are worried about an odor, need to call you. They need to give their name, address, time and conditions.

John Giardiello said that would help us to narrow it down. I cannot just go to a business and say you are admitting an odor. I have to have some information.

RESOLUTION NO. 161

**OPEN PH/ ZONING CODE AMENDMENTS
ISSUANCE OF BUILDING PERMIT AND CO/NEW
OPERATOR OCCUPANT COMMERCIAL
BUSINESS**

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

RESOLVED, the 8:05 p.m. public hearing to consider the proposed text amendments to the Zoning code is hereby opened.

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

Noes: None

The Deputy Clerk presented the Affidavit of Publication and Notice of Posting; copies are labeled Exhibit 03-B-16 and made a part of these minutes.

John Giardiello, Director of OBZPAE, explained that the Town Code language is very weak, in terms of having requirements for a Building Permit and a Certificate of Occupancy, when you have a commercial business. The language amendments are to make sure the new operator/occupant is in compliance with the site plan and the Town Code.

Summary of Public Comments:

Carol Baxter, Palisades, asked if these amendments are clarifying the language in the Town Code or changing the rules.

Susan Nemesdy, Palisades, asked, whether new owners , operators or occupants have to follow the current zoning.

RESOLUTION NO. 162

**CLOSE PH/ ZONING CODE
AMENDMENTS ISSUANCE OF
BUILDING PERMIT AND CO/NEW
OPERATOR / OCCUPANT
COMMERCIAL BUSINESS**

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

RESOLVED, the public portion is hereby closed.

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

Noes: None

RESOLUTION NO. 163

**LEAD AGENCY/ ZONING CODE
AMENDMENTS ISSUANCE OF
BUILDING PERMIT AND CO/NEW
OPERATOR/OCCUPANT COMMERCIAL
BUSINESS**

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

RESOLVED, pursuant to the State Environmental Quality Review Act (“SEQRA”), the proposed action of the Town Board’s enactment of a proposed Local Law, recommended by John Giardiello, P.E., Director of the Town’s Office of Building, Zoning and Planning Administration and Enforcement (“OBZPAE”), to amend the Town’s Zoning Code (Chapter 43 of the Town Code) §10.221 and §10.231, so as to require the issuance of a Building Permit and Certificate of Occupancy for a new operator/occupant of a commercial business where no change of use is contemplated, is hereby classified as an Unlisted action, as defined by SEQRA Regulation §617.4; no agency, other than the Town Board and the Rockland County Department of Planning, will have any significant involvement in the review process, pursuant to SEQRA Regulation §617.6; and the Town Board hereby declares itself as Lead Agency.

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

RESOLUTION NO. 164

**SEQRA DECLARATION/ ZONING CODE
AMENDMENTS ISSUANCE OF
BUILDING PERMIT AND CO/NEW
OPERATOR/OCCUPANT COMMERCIAL
BUSINESS**

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

RESOLVED, pursuant to SEQRA Regulation §617.7, the Town Board, as Lead Agency, for the reasons articulated below, which are grounded upon this Board’s analysis of Part 2 of the Short Environmental Assessment Form-Impact Assessment- which Part 2 analysis is incorporated into this motion-hereby determines that the proposed action will not have a significant adverse environmental impact, and a Draft Environmental Impact Statement will not be prepared.

After having identified the relevant areas of environment concern, if any, namely: NONE;

After having taken a hard look at said environmental issues, if any, and having deliberated regarding such concerns, if any; and having heard from the following Town Officials or consultants: John Giardiello, P.E., Director of OBZPAE, and John S. Edwards, Esq., Town Attorney; and having heard from the public, if any, who addressed the Town Board at the Public Hearing (s);

A summary of the reasons supporting this determination are, and the Town Board finds, that the proposed action:

- Will not significantly effect existing air quality or noise levels;
- Will not significantly effect existing surface water quality or quantity or drainage;
- Will not significantly effect existing ground water quality or quantity;
- Will not significantly effect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;

RESOLUTION NO. 164 - Continued

- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health;
- Will not create a substantial change in the use of land, open space or recreational resources;
- and is consistent with the Town of Orangetown’s comprehensive/master plan.

THEREFORE, pursuant to SEQRA, the Town Board hereby issues a “NEGATIVE DECLARATION” (i.e., no significant adverse environmental pact).

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

RESOLUTION NO. 165

**ADOPT LOCAL LAW NO. 2, 2016
 ZONING CODE AMENDMENTS
 ISSUANCE OF BUILDING PERMIT AND
 CO/NEW OPERATOR OCCUPANT
 COMMERCIAL BUSINESS**

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

RESOLVED, the Town Board hereby adopts and enacts the proposed Local Law, recommended by John Giardiello, P.E., Director of the Town’s Office of Building, Zoning and Planning Administration and Enforcement, to amend the Town’s Zoning Code (Chapter 43 of the Town Code) §10.221 and §10.231, so as to require the issuance of a Building Permit and Certificate of Occupancy for a new operator/occupant of a commercial business where no change of use is contemplated, which Zoning Code text amendments are set forth in the Proposed Text Amendment, as same may have been modified by the Town Board during the Public Hearing.

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

**TOWN OF ORANGETOWN
 LOCAL LAW 2, 2016**

§10.22. Permits.

§10.221. A permit is required for all zoning uses in all zones except that a permit is not required in a residential zone for fences or walls, trellis, arbor, terraces not exceeding two feet above ground level and for the type of signs set forth in Use Table, R-80, Column 5, Nos. 11 and 13. A permit is required for:

- (a) all building uses, alterations and construction;
- (b) a commercial or business use which has a subsisting certificate of occupancy, or a commercial or business use that is legally existing and pre-dates adoption of the Zoning Code, the operator or proprietor of which changes from the operator or proprietor to whom the certificate of occupancy was issued, or the operator or proprietor of which changes after adoption of this §10.221(b) if the use legally existed and pre-dated adoption of the Zoning Code; and
- (c) for all other purposes as specified in all of the existing local laws and ordinances of the Town of Orangetown.

§10.23. Certificate of occupancy.

§10.231. When required.

- (a) No building, structure or sign hereafter constructed shall be used or occupied in whole or in part nor shall

any new land or building use be permitted until a certificate of occupancy shall have been issued.

- (b) No building, structure, sign or nonbuilding use hereafter enlarged, reconstructed, relocated or altered, or upon which work has been performed which required the issuance of a building permit, shall be occupied or used after the completion of the alteration of work unless a certificate of occupancy shall have been issued by the Inspector.
- (c) No change shall be made in the use or type of occupancy of an existing building or change in the use of land ("change of use or occupancy"), except to any use which is primarily agricultural, unless a certificate of occupancy authorizing such change in use in conformity with the regulations of this code and other applicable building laws, ordinances and regulations shall have been issued by the Inspector. A change of use or occupancy, as described in the previous sentence, shall include a commercial or business use which has a subsisting certificate of occupancy, or a commercial or business use that is legally existing and pre-dates adoption of the Zoning Code, the operator or proprietor of which changes from the operator or proprietor to whom the certificate of occupancy was issued, or the operator or proprietor of which changes after adoption of this amendment to §10.231(c) if the use legally existed and pre-dated adoption of the Zoning Code. However, any normal replacement or addition of equipment and machinery not affecting the foregoing conditions or not changing the degree or nature of dangerous and objectionable elements emitted shall not be considered a change in use.

RESOLUTION NO. 166

RE-OPEN AND CONTINUE PH PROHIBITED USES/PROPOSED LOCAL LAW/AMENDING THE TOWN ZONING LAW

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 reopened and continued.

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

Summary of Public Comments:

Amy Wetheim, Pearl River, insists that clean rateables are needed in Orangetown. The Town Codes need to reflect that desire, without any loopholes or misinterpretations. It is important for all of us to be able to breathe easier, knowing that in order to put stakes in the ground, companies must not negatively impact the air, threaten the health and safety or well-being of our residents.

Orangetown needs a committee of experts that can evaluate applications to ensure that the Town Codes are being followed. In the interim, we need a code that defines scale of R & D, light manufacturing and manufacturing.

Heather Hurley, Pearl River, said the responsibility of the County to monitor air pollution was rescinded from the County Sanitary Code in 2014. The public has repeatedly asked that the Town Code define scale of R & D, light manufacturing and manufacturing of BTX. There are still loopholes in the proposed amendments and she stressed that this not fit for a vote.

Denise Schorn, Pearl River, requested that the revision to the Code include productions guidelines, which would distinguish between R & D and manufacturing. The production level should be specified for each level of production. It is unwise not to distinguish between R & D as these plans scale up.

RESOLUTION NO. 167

**CONTINUE PH/ PROHIBITED USES
PROPOSED LOCAL LAW/AMENDING
THE TOWN ZONING LAW**

Councilman Diviny offered the following resolution, which was seconded by Councilman Valentine 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 to Tuesday, April 12, 2016, at 8:05 p.m.

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

Noes: None

RESOLUTION NO. 168

**LEAD AGENCY/LIFTING OF
CONTRACTUAL RESTRICTIONS
AND/OR COVENANTS/DEVELOPMENT
AND USE OF PREMISES AT RPC
PREVIOUSLY CONVEYED BY THE
TOWN TO STEJ, LLC**

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

WHEREAS, on or about November 10, 2005, the Town conveyed title to certain real property, formerly a part of the Rockland Psychiatric Center, bearing Tax Map designation 73.12-1-3.2, to STEJ, LLC, (the “Premises”), upon the contractual commitment by STEJ to develop the said Premises with an indoor recreational center; and

WHEREAS, prior to the said conveyance, in connection with the approval and execution of an Option Contract between the parties, the Town Board declared its intention to be, and later assumed the role of, lead agency for the purpose of environmental review under the State Environmental Quality Review Act (“SEQRA”), and, thereafter, acting in such capacity, issued a Determination of Non-significance, concluding that the said conveyance would not have any significant adverse environmental impact; and

WHEREAS, the said Option Contract (and a later Letter Agreement, modifying same) included certain restrictions and/or conditions on the development of the Premises, which restrictions and/or conditions expressly survived closing, and, eventually, were set forth in a Declaration of Restrictive Covenants and a Declaration of Agreement, duly recorded in the Office of the Rockland County Clerk; and

WHEREAS, certain of the said restrictions and/or conditions were further incorporated into the resolution of the Town Planning Board granting conditional final site development plan approval; and

WHEREAS, STEJ, LLC has failed to develop the Premises, as a consequence of which THE Town Planning Board’s site development plan approval has lapsed by passage of time; and

WHEREAS, the Owner, STEJ, LLC, now wishes to convey its interest in the Premises to a third-party purchaser, Orangeburg Acquisition Co LLC (“NYCFC”) which is a New York limited liability company and an affiliate of New York City Football Club LLC a professional soccer organization, for development and use as a private, practice soccer facility, a different and far less intense use of the Premises than that proposed by STEJ, albeit still a recreational use authorized in the RPC-R zoning district; and

WHEREAS, in order to effectuate the NYCFC’s use of the Premises, both STEJ and the NYCFC have requested that the Town Board lift the aforesaid contractual restrictions and/or conditions that were imposed on the development of the Premises by STEJ, allowing the Planning

RESOLUTION NO. 168 – Continued

Board, on application for site development approval, to impose whatever reasonable conditions may be required in connection with the proposed development; and

WHEREAS, the Town Board has made the preliminary determination that the development of the Premises in the manner, and for the purpose, proposed by NYCFC does not warrant or necessitate the same conditions and restrictions as the more intense use previously proposed by STEJ; and

WHEREAS, the NYCFC has offered significant other consideration in return for the lifting of the contractual and other restrictions and/or conditions that presently burden the development of the Premises; and

WHEREAS, the Town Board continues to serve in the capacity of lead agency for environmental review, at least in connection with any surviving contractual restrictions and/or conditions imposed as a result of the conveyance,

NOW, THEREFORE, BE IT RESOLVED, as follows:

The Town Board re-affirms its status as lead agency in connection with the development of the Premises, subject to any site specific review delegated to the Town Planning Board, under and pursuant to the N.Y.S. Town Law and the Town’s Zoning Law;

Acting in its capacity as lead agency for review under SEQRA, the Town Board determines that any action on its part lifting or modifying the contractual and other restrictions and/or conditions imposed by it in connection with the Town’s earlier conveyance to, and proposed development of the Premises by, STEJ, LLC, to be an “unlisted” action under SEQRA; and

Having taken a “hard look” at the action proposed to be taken, i.e., the lifting of referenced contractual and other restrictions and/or conditions on the development and use of the Premises, the Town Board concludes that such action will not have any significant adverse impact.

The said finding is based on the differences in the nature and intensity of the proposed use of the Premises by NYCFC as a private practice facility for a professional sports team as compared with the previously approved use as a 219,000 sq. ft. indoor public recreation center; the Town Board’s earlier environmental findings when it approved the conveyance with conditions; and the financial and other consideration offered by NYCFC, including the payment of \$250,000.00 toward future off-site infrastructure improvements, the lifting of a 10-year non-compete provision for private indoor recreation granted to STEJ as part of the Option Contract, and the fact that, under the N.Y.S. Town Law and the Orangetown Zoning Law, the Town Planning Board retains the ability and the right to impose any reasonable condition on the development of the Premises by the new Owner as may be required in the best planning interests of the Town.

AND BE IT FURTHER RESOLVED, that the Town Supervisor, or his designated representative, shall be authorized to execute any further document(s), and to take such further action, as may be required to effectuate this resolution.

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

RESOLUTION NO. 169

REMOVAL OF CONTRACTUAL RESTRICTIONS AND/OR COVENANTS DEVELOPMENT AND USE OF PREMISES AT RPC PREVIOUSLY CONVEYED BY THE TOWN TO STEJ, LLC/SUBJECT TO PERMISSIVE REFERENDUM

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

RESOLUTION NO. 169 – Continued

WHEREAS, on or about July 6, 2004, following a procurement process pursuant to which proposals were solicited for the purchase of Town owned lands along Old Orangeburg Road, formerly a part of the Rockland Psychiatric Center (“RPC”), the Town entered into an Option Contract of Sale with STEJ, LLC (the “Option Contract”); and

WHEREAS, the said Option Contract contemplated the sale of 16.878 ± acres by the Town to STEJ, LLC, and STEJ’s later, timely development of such lands with an indoor recreational center (the “Premises”); and

WHEREAS, the said Option Contract included a number of restrictions and/or conditions on the use of the said lands by STEJ, and, in addition, an agreement on the part of the Town not to sell other lands at RPC to another private commercial developer who would compete with STEJ in certain specifically enumerated indoor recreational activities for a defined period of time, which restrictions and covenants, on the part of both parties, were expressly made to survive closing; and

WHEREAS, by letter agreement, dated October 17, 2005, fully executed by the parties on November 10, 2005 (the “Letter Agreement”), STEJ affirmatively agreed to assume certain infrastructure improvement obligations and costs which, under the Option Contract, were to have been made and paid for by the Town, subject to partial reimbursement by STEJ; and

WHEREAS, thereafter, on or about November 10, 2005, the Town, by Quitclaim Deed, conveyed to STEJ title to the parcel, then and now bearing Tax Map designation 73.12-1-3.2, which deed was duly recorded in the Office of the Rockland County Clerk, on November 16, 2005, as Instrument No. 2005-00064771; and

WHEREAS, coincident with the delivery of the deed, STEJ executed a certain Declaration of Restrictive Covenant, which incorporated the various restrictions on the use and development of the premises that appeared in the Option Contract, which Declaration of Restrictive Covenant was duly recorded in the Office of the Rockland County Clerk as Instrument No. 2005-00064777 (the “2005 Declaration”); and

WHEREAS, in connection with STEJ’s application for site development plan approval by the Town Planning Board, on or about April 12, 2007, STEJ executed a further Declaration of Agreement, confirming several of the conditions in the Option Agreement as conditions of final conditional site plan approval, which Declaration of Agreement was duly recorded in the Office of the Rockland County Clerk, as Instrument No 2007-00032465 (the “2007 Declaration”); and

WHEREAS, notwithstanding that, over the years, STEJ has completed various of the off-site infrastructure improvements contemplated under the parties’ agreements, to date, it has not commenced construction of the indoor recreation center approved, in concept, by the Town Board at the time of the Option Contract, and,

WHEREAS, STEJ now wishes to convey its full fee interest in the Premises to Orangeburg Acquisition Co LLC, a New York limited liability company and an affiliate of the New York City Football Club (“NYCFC”), which proposes to construct and operate a private professional soccer training facility thereat; and

WHEREAS, in furtherance of that proposed transaction STEJ and NYCFC have both requested that the Town lift the restrictions embodied in the Option Contract, the Letter Agreement and in the recorded 2005 Declaration and 2007 Declaration and later resolution granting conditional final site plan approval, in consideration of which STEJ and NYCFC have agreed to extinguish the non-compete provision set forth at ¶ 43 of the Option Contract, which STEJ maintains continues to burden the Town’s further development of the Town’s remaining lands at RPC; and

WHEREAS, as further consideration, the NYCFC has offered and agreed to make a contribution of \$250,000.00 toward future Town infrastructure and/or recreational improvements to be constructed by the Town at a time, and at a location or locations to be determined by the Town, in its sole discretion, said payment to be made prior to the issuance of the earlier of excavation, demolition or

RESOLUTION NO. 169 – Continued

building permit, if and as required, for the development of the Premises in the manner proposed by NYCFC; and

WHEREAS, NYCFC is a for profit sports entity, which will pay real full real property taxes and other assessments on both the land and any improvements that may be installed thereon, comprising the developed Premises; and

WHEREAS, the Town Board believes that the nature of the proposed use of the Premises by NYCFC will not require the same infrastructure improvements identified in the Option Agreement and in the later Letter Agreement between the Town and STEJ, beyond those already constructed by the Town and/or by STEJ, except as may be determined by the Planning Board on site development plan review; and

WHEREAS, the Town Board has determined that the lifting of the contractual restrictions and conditions set forth in the Option Contract, the Letter Agreement, the recorded 2005 Declaration, the recorded 2007 Declaration, and resolution granting conditional final site development plan approval for the proposed STEJ recreational facility is in the best interests of the Town, and, having further determined by resolution of even date herewith, but adopted prior to this resolution, that there will be no significant adverse environmental impacts as a result hereof,

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

In consideration of, and contemporaneously with, the extinguishment of the non-compete set forth at ¶ 43 of the Option Contract between STEJ and the Town, dated July 6, 2004, as evidenced by a writing duly executed by either (x) STEJ, LLC, at any time prior to the conveyance of the Premises by STEJ to NYCFC or (y) NYCFC, at any time following the conveyance of the Premises by STEJ to NYCFC, which in either case shall be in recordable form and reasonably acceptable to the Town Attorney, and NYCFC's agreement to make a contribution toward future Town infrastructure improvements which may be undertaken by the Town at any time hereafter, the Town Board hereby agrees to lift, terminate and remove of record (also by written document in a form suitable for recording, if and as may be required) all surviving restrictions, covenants, obligations and/or conditions set forth in (i) the Option Contract, dated July 6, 2004 between STEJ, LLC and the Town; (ii) in the later Letter Agreement, dated October 17, 2005, between STEJ, LLC and the Town; (iii) in the 2005 Declaration, dated November 10, 2005, recorded in the Office of the Rockland County Clerk as Instrument No. 2005-00064777, (iv) in the 2007 Declaration, dated April, 2007, recorded in the Office of the Rockland County Clerk as Instrument 2007-00032465; and (v) in the final conditional site development plan approval granted to STEJ, LLC by the Town Planning Board in connection with STEJ's site specific development of the Premises (to the extent such site plan conditions derive from the Option Contract and later Town Board agreements and declarations.

Provided, however, nothing in this resolution is intended, nor shall same be construed, to affect or limit the power of the Town Planning Board to impose any reasonable condition, limitation or restriction on the future development of the Premises by NYCFC, its successors and/or assigns, upon application by the Owner for site development plan or other required approval; and The Town Board further agrees that the Town shall, and if requested, the Town shall provide written confirmation to the NYCFC that, *if* the Town shall timely designates 216 acres of Town owned lands at RPC in satisfaction of the Deed restriction set forth in the Deed from the State to the Town, conveying the lands of which the Premises were a part, the Town shall not designate the Premises as a part thereof.

This resolution, and the Town's agreement embodied herein, lifting the surviving conditions, covenants, obligations, and/or restrictions, as set forth above, is expressly contingent upon, and shall not be effective unless and until there shall be a conveyance by STEJ, LLC of its fee interest in the Premises to NYCFC, as evidenced by a deed recorded, or suitable for recording, in the Office of the Rockland County Clerk, and further until the passage of any period of permissive referendum or, in the event of the timely filing of a legally sufficient Petition for referendum, upon actual referendum approving the lifting of the said restrictions and/or conditions.

RESOLUTION NO. 169 – Continued

AND BE IT FURTHER RESOLVED, that the Town Supervisor, or his designated representative, shall be authorized to execute and/or record, as applicable, any document, and to take any such further action, as may be required to effectuate this resolution.

This resolution is subject to permissive referendum, if, and as may be, required by law.

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

RESOLUTION NO. 170

**AID/DENNIS P. McHUGH
FOUNDATION/12TH ANNUAL RUN FOR
FUN AND FAMILY FAIR**

Supervisor Stewart 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 the rental of 6 port-o-john units (4 regular, 2 ADA Compliant) for the Dennis P. McHugh Foundation’s 12th Annual Run for Fun and Family Fair on Saturday, April 30th, 2016, at 9:30 A.M. in Flywheel Park, Piermont, NY.

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

RESOLUTION NO. 171

**PERMISSION GRANTED/GFOA
CONFERENCE/FINANCE DEPT**

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

RESOLVED, that permission is granted to the following Orangetown employees, to attend the 37th NYS Government Finance Officers’ Association, Inc. Annual Conference in Albany, New York, April 5-8th, 2016, at a cost of \$3,826.00 for lodging, membership and conference fees: Jeff Bencik, Janice Ganley, Natalie Schutter, and Stephanie Tassello.

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

RESOLUTION NO. 172

**APPROVE/2016 CERTIFICATE OF
REGISTRATION SEWER WORK**

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

RESOLVED, that upon the recommendation of the Town Attorney and the Commissioner of the Department of Environmental Management and Engineering, a Certificate of Registration for 2016 Sewer Work is approved to:

Ronald Filera Landscape Contractors, LLC, 520 South Pascack Road, Chestnut Ridge, NY
Hauser Brothers, Inc., 17 Old Schoolhouse Lane, Orangeburg, NY

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

RESOLUTION NO. 173

**APPOINT STEPHEN F. MUNNO
DEPUTY SUPERINTENDENT OF
HIGHWAYS/ORANGETOWN**

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

RESOLVED, that Stephen F. Munno, Sr. Administrative Assistant, it hereby appointed Deputy Superintendent of Highways, the Town of Orangetown.

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

RESOLUTION NO. 174

**APPOINT JAMES J. DEAN RECYCLING
COORDINATOR ORANGETOWN**

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

RESOLVED, that James J. Dean, Superintendent of Highways, is hereby appointed Recycling Coordinator for the Town of Orangetown, as per Chapter 26B of the Town Code.

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

RESOLUTION NO. 175

**APPOINT STEPHEN F. MUNNO
DEPUTY/RECYCLING
COORDINATOR/ORANGETOWN**

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

RESOLVED, that Stephen F. Munno, Sr. Administrative Assistant is hereby appointed Deputy Recycling Coordinator, for the Town of Orangetown.

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

RESOLUTION NO. 176

**RECLASSIFY POSITION/PRINCIPAL
CLERK TYPIST/POLICE ADMIN**

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

RESOLVED, that upon the recommendation of Rockland County Personnel the position of Senior Clerk Stenographer is hereby reclassified to the position of Principal Clerk Typist, Grade 10, in Police Administration.

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

RESOLUTION NO. 177

**APPOINT/PATRICIA
QUINN/PRINCIPAL CLERK
TYPIST/POLICE ADMIN**

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

RESOLUTION NO. 177 - Continued

RESOLVED, Patricia Quinn is hereby appointed to the position of Principal Clerk Typist, provisional, in Police Administration, Grade 10, Step 6/7, at a salary of \$65,831.00, effective March 16, 2016.

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

Noes: None

RESOLUTION NO. 178

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, Jeff Bencik, the Finance Office is hereby authorized to pay vouchers for the General Fund, Town Outside Village, Blue Hill, Broadacres, Highway, Sewer, Capital Projects, Risk Retention, and Special Parking Funds for a total amount of \$480,672.83.

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

Noes: None

RESOLUTION NO. 179

**AUTHORIZE/REQUEST FOR
INFORMATION (RFI)
TRANSPORTATION STUDY**

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

RESOLVED, the Town Board is authorized to send out a Request for Information (RFI), for a Transportation Study, to consider a Mini Trans/Jitney Service, in the Town of Orangetown, at no cost to the Town.

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

Noes: None

RESOLUTION NO. 180

**ENTER EXECUTIVE SESSION /POLICE
PERSONNEL DISCIPLINARY MATTER**

In attendance, at this Executive Session, were Supervisor Stewart, Councilpersons Troy, Diviny, Valentine, Bottari, John Edwards, Teresa Kenny, Jeff Bencik, Chief Nulty, Captain Butterworth and Captain Brown.

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

RESOLVED, at 8:45 p.m. the Town Board entered Executive Session to discuss a Police personnel disciplinary matter.

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

Noes: None

RESOLUTION NO. 181

RE-ENTERED RTBM

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

RESOLUTION NO. 181 - Continued

RESOLVED, at 9:33 p.m. the Town Board reentered the Regular Town Board Meeting.

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

RESOLUTION NO. 182

**SCHEDULED STBM / POLICE
PERSONNEL DISCIPLINARY MATTER**

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

RESOLVED, a Special Town Board Meeting is scheduled for Friday, March 18, 2016 at 12:45pm to continue discussion of a Police disciplinary and personnel matter.

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

RESOLUTION NO. 183

ADJOURNED/MEMORY

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

RESOLVED, at 9:35 p.m. the Town Board adjourned, in memory of Dr. Austin Gibbons, Charlotte Madigan's brother-in-law; Charles Delo, Ron Delo's father; Colonel Richard E. MacFadden, employee Karen Jahnes' father; Eileen Neff, South Nyack; Lawrence Smith, Pearl River; and Nancy Reagan, former First Lady of the United States.

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

Charlotte Madigan, Town Clerk