

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, MAY 3, 2016**

This Regular Town Board Meeting was opened at 7:32 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

Also present: Charlotte Madigan, Town Clerk
John Edwards, 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.
Kevin Nulty, Police Chief

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

Highway Awards: Summit School Summer Youth Employment Work: Edward Antonellis, Devon Darby, Joshua Navarro, Natallya Avancini dos Santos, Ryan Donnelly, Rose Regan, Tyler Barzilay, Imani Heidel, Terry Schiavone, Dean Bredthauer, Wilson La, Shmuel Seldowitz, Natalie Cartagena, Jeffrey Martel, Jack Steele, Elijah Cherry and Sam Molina; Adopt A Road Anniversaries: Blauvelt Lion's Club, 20 years and Orangetown Republican Comm., 5 years; Beautification Award: Clover Leaf Inn (Richard Miller), Joe Napoli and Gregg and Eileen Malora; Community Clean-Up Coordination: KRB Clean-up Coordinators, Debbie Shaw and Sonia Cairo; Blauvelt Community Clean-Up: Melissa Grau and Christine Dilts; Pearl River Community Clean-Up: Debbie Shaw, Beth Norman and Laurie Puca; Community Clean-Up Awards: Sparkill Water Shed Alliance and Tappan Fire Department; Highway Department Anniversaries: Duane Henthorn, Robert Murphy, and Dave Welborn – 25 years and Jim Dillon, and Karen Jahnes – 30 years; Highway Perfect Attendance Award: Karl Bohn, Chris Coyle, Jim Dillon and Stephen Munno and American Public Works Association-2015 Excellence in Snow and Ice Control Award: Orangetown Highway Department.

Presentation of Proclamations: Building Safety Month – May 2016; National Public Works Week – May 15-21, 2016; National Police Week – May 15-21, 2016; Mental Health Awareness Month – May 2016. Rena Finkelstein, Board President of the National Alliance on Mental Illness, glad that the Town recognized the month of May as Mental Health Awareness Month. She explained NAMI and its mission to help those suffering from mental illness.

Dave Wasenda, Applied Golf and Jeff Bencik, Finance Director gave a presentation of Broadacres 2015 annual report; copies are labeled Exhibit 05-B-16 and made a part of these minutes.

RESOLUTION NO. 228

**OPEN PH/PROPOSED LOCAL LAW
NO. 4, 2016/AMENDING CHAPTER 30A
OF THE TOWN CODE/INDUSTRIAL
WASTES**

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

RESOLVED, the public hearing on a proposed local law, amending Chapter 30A of the Town Code, relating to Industrial Wastes is hereby opened.

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

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and Notice of Posting; copies are labeled Exhibit 05-A-16 and made a part of these minutes.

Summary of Public Comments:

No one made any public comments.

RESOLUTION NO. 229

**CLOSE PH/PROPOSED LOCAL LAW
NO. 4, 2016/AMENDING CHAPTER 30A
OF THE TOWN CODE/INDUSTRIAL
WASTES**

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

RESOLVED, the public hearing on a proposed local law, amending Chapter 30A of the Town Code, relating to Industrial Wastes is hereby closed.

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

RESOLUTION NO. 230

**LEAD AGENCY/SEQRA DETERMINATION
PROPOSED LOCAL LAW NO. 4, 2016
AMENDING CHAPTER 30A OF THE
TOWN CODE/INDUSTRIAL WASTES**

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

RESOLVED, that the Town Board hereby declares itself to be Lead Agency for environmental review with respect to a proposed Local Law No. 4, 2016, amending Chapter 30A of the Town Code, entitled "Industrial Wastes", to conform the definition of the term "Significant Noncompliance (SNC)" as used therein to the required definition of the term as set forth in 40 CFR Part 403, and further determines that such action will not have a significant adverse environmental impact, and, therefore, issues a Negative Declaration with respect thereto under the State Environmental Quality Review Act.

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

RESOLUTION NO. 231

**ADOPT LOCAL LAW NO. 4, 2016,
AMENDING CHAPTER 30A OF THE
TOWN CODE/INDUSTRIAL WASTES**

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

RESOLVED, that the Town Board hereby adopts proposed Local Law No. 4, 2016, amending Chapter 30A of the Town Code, entitled "Industrial Wastes", set forth below, to conform the definition of the term "Significant Noncompliance (SNC)", as used therein, to the required definition of the term as set forth in 40 CFR Part 403.

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

**TOWN OF ORANGETOWN
LOCAL LAW NO. 4 OF 2016
AMENDING CHAPTER 30A OF THE TOWN CODE
RELATING TO INDUSTRIAL WASTES**

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

Section 1: Chapter 30A of the Town Code of the Town of Orangetown (Industrial Wastes), at § 3A, entitled “Definitions; word usage” shall be amended to add the following new subsections to the definition of the term “SIGNIFICANT NONCOMPLIANCE (SNC)”, which, as amended, shall read as follows:

SIGNIFICANT NONCOMPLIANCE (SNC)

The occurrence of ~~either, or both,~~ any of the following:

Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed, by any magnitude, a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1)

Technical review criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1), multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease and 1.2 for all other pollutants except PH).

Any other violation of a Pretreatment Standard or Requirement (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);

Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW’s exercise of its emergency authority to halt or prevent such a discharge;

Failure to meet, within 90 days of the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

Failure to accurately report noncompliance;

Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

Section 2: Effective date. This local law shall take effect immediately upon filing with the Secretary of State.

Summary of Public Comments (RTBM):

Mike Mandel, Pearl River, thanked Town Board for the Do Not Knock Law. He requested Broadacres financials be posted on the website and he requested an amendment to the code that all land use boards do a roll call vote.

Robert Tompkins, Pearl River/Rockland County Water Task Force, encouraged the town to become a partner in the Watersense Program.

Allyson Sullivan, Blauvelt, is still concerned about the burning of plastics, from Aluf Plastics, and its noxious odors. She wants to know what the Town plans to do about this matter.

Susan Nemesdy, Palisades, wants the Town to amend its code to restrict franchise businesses, in its Historic Districts. Many towns have done this to preserve Historic Districts from over development.

Carol Baxter, Palisades, said historic guidelines need to be tightened up to protect the Historic nature. She wants the Town Board to restrict franchise businesses in Historic Homes.

Larry Bucciarelli, Palisades, and a member of HABR, is in favor of roll call votes for land use boards. He supports restricting franchise businesses in Historic areas.

Bill and Tracy Hancock, and Amy Bock, Pearl River, are disappointed with the approval of Hillside Commercial Park project. The Planning Board's decision means that 8 acres of trees, between Route 304 and Railroad Avenue, and across from a vibrant neighborhood will be clear-cut. This property is located in a flood zone and will encroach on wetlands. The quality of life will drastically change for all of Pearl River. The 2002 Orangetown Comprehensive Plan and the Army Corps of Engineers Report recommended this site be preserved as open space. At the Planning Board meeting of April 27th, the chairman was extremely inappropriate and several valid questions were left unanswered.

Esta Baitler, Sparkill, wants the bus shelter on Route 340 done immediately.

Kate O'Brien, Pearl River, requested the Town to restrict the use of Town parks to residents and their guests. She has witnessed about 60 boys and men, get off the train and swarm Cherry Brook Park. They took over every last piece of equipment. Their very aggressive behavior made her and her children feel unwelcomed and unsafe.

Mike Palko, Pearl River, asked the Town Board to allow local universities to act as truant officers to make sure that the Hillside's developer complies with all of the conditions.

Heather Hurley, Pearl River, asked what has been further discovered regarding Prohibited Uses, and has the Board spoken to other consultants. She explained that the Report from the Army Corps of Engineers and the 2002 Orangetown Comprehensive Plan recommended the Hillside Project parcel be preserved as open space. The future of Orangetown cannot depend on a Planning Board who dismisses residents concerns and ignores the Town Codes.

Amy Wertheim, Pearl River, reminded everyone that the 2002 Orangetown Comprehensive Plan and the Army Corps of Engineers Report recommended the Hillside site be preserved as open space. She asked how are the Town Codes enforced; what are the fines for violations; why is Aluf Plastics not in violation; when the Code is violated, what happens; where does the amendment banning BTX stand; when was the comprehensive plan (Hillside) changed; and is Veteran's Park open to the public or just residents.

Eileen Larkin, Palisades, is in favor of a WaterSense partnership. Water is a great resource and it is important to preserve it, make sure it is chemical free and safe to drink. Residents of Orangetown should be respected and any Board member who is disrespectful should resign.

Watson Morgan, Blauvelt, is in favor of a pass-system for residents, including their guest, for use of Town parks. He believes lot 1 of RPC should remain parkland.

Manny Larenas, Pearl River, said there are consequences to actions and in-actions. We should be beautifying our community, including parklands. He asked the Town Board to stop the overcrowding of the parks and the odors from Aluf Plastics.

RESOLUTION NO. 232

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

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

Noes: None

RESOLUTION NO. 233

**SET PUBLIC HEARING/AMENDING
TOWN CODE CHAPTER 7A/USE OF
TOWN PARKS**

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

RESOLUTION NO. 233 - Continued

RESOLVED, a public hearing on a proposed local law, amending Chapter 7A, Use of Town Parks is scheduled for May 24, 2016, at 8:00 p.m.

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

RESOLUTION NO. 234

**AUTHORIZE/ RFP/ INDEPENDENT
AIR QUALITY MONITORING
CONSULTANT/ALUF PLASTICS**

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

RESOLVED, the Building Department is hereby authorized to issue a Request for Proposal (RFP) for an independent Air Quality Monitoring consultant, not to exceed \$5,000, to monitor the air quality in the area of Aluf Plastics, Orangeburg.

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

RESOLUTION NO. 235

**SET PUBLIC HEARING/AMENDING
CHAPTER 1A OF THE TOWN CODE,
GENERAL PROVISIONS/ARTICLE IV
ENTITLED “BEST VALUE
COMPETITIVE BIDDING AND
PROCUREMENT”.**

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

RESOLVED, a public hearing on a proposed local law, amending Chapter 1A (“General Provisions”) of the Town Code, by adding a new Article IV entitled “Best Value Competitive Bidding and Procurement” is scheduled for May 24, 2016, at 8:15 p.m.

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

**LOCAL LAW NO. __ OF 2016,
AMENDING CHAPTER 1A OF THE TOWN CODE
TO ADD A NEW ARTICLE IV ENTITLED
“BEST VALUE COMPETITIVE BIDDING AND PROCUREMENT”**

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

Section 1: Chapter 1A of the Town Code of the Town of Orangetown entitled “General Provisions” shall have a new Article IV entitled “Best Value Competitive Bidding and Procurement”, which shall read as follows:

Article IV
Best Value Competitive Bidding and Procurement

§ 1A-10. Title

This Local Law shall be known as the “Town of Orangetown Local Law Authorizing Best Value Competitive Bidding and Procurement.”

§ 1A-11. Legislative Intent and Purpose

The intent of this law is to allow the Town Board the option to award certain purchase contracts (including contracts for services) subject to competitive bidding under Section 103 of the General Municipal Law on the basis of a low bid or “best value” as defined in Section 163 of the New York State Finance Law.

§ 1A-12. Authority

This local law is enacted pursuant to New York State General Municipal Law §103.

§ 1A-13. Best Value Competitive Bidding

A. Authority and Purpose.

Section 103 of the New York General Municipal Law allows the Town to authorize, by local law, the award of certain purchase contracts (including contracts for services) subject to competitive bidding under General Municipal Law § 103 on the basis of “best value” as defined in Section 163 of the New York State Finance Law. The “best value” option may be used, for example, if it is more cost efficient over time to award the good or service to other than the lowest responsible bidder or proposer if factors such as lower cost of maintenance, durability, high quality and longer product life can be documented.

B. Award Based on Best Value.

The Town Board may award purchase contracts, including contracts for services, on the basis of “best value” as the term is defined in New York State Finance law § 163. All contracts or purchase orders awarded based on value shall require Town Board approval.

C. Applicability.

The provisions of this chapter apply to Town purchase contracts, including contracts for services, involving an expenditure of more than \$20,000, but excluding purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the New York Labor Law and any other contract that may in the future be excluded under state law from the best value option. If the dollar thresholds of New York General Municipal Law § 103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth herein shall be deemed simultaneously amended to match the new General Municipal Law thresholds.

D. Standard for Best Value.

Goods and services procured and awarded on the basis of best value are those that the Town Board determines optimize quality, cost and efficiency, among responsive and responsible bidder or offerors.

2. Where possible, the determination shall be based on an objective and quantifiable analysis of clearly described and documented criteria as they apply to the rating of bids or offers.

3. The criteria may include, but shall not be limited to, any or all of the following: cost of maintenance; proximity to the contractors; longer product life; product performance criteria; and quality of craftsmanship.

E. Documentation.

Whenever any contract is awarded on the basis of best value instead of lowest responsible bidder, the basis for determining best value shall be thoroughly and accurately documented.

F. Piggybacking of purchases.

Notwithstanding the provisions of this Local Law, the Town of Orangetown may, for purposes of public purchases, utilize the provisions of General Municipal Law § 103 with regard to so-

called "piggybacking" of purchases. Pursuant to General Municipal Law § 103, the Town of Orangetown may purchase through the bids solicited by the United States government, New York State and/or any other political subdivision (counties, towns, villages, school districts, etc.), provided those contracts clearly state that they are available for use by other governmental entities within the requirements of General Municipal Law § 103(16). Prior to such purchase, the Town of Orangetown will ensure that a piggyback purchase qualifies as follows:

1. The contract involved must have been available for use by other governmental entities through the bid solicitation process. In such case, the Town of Orangetown should determine that there is contained within the bidding municipality's bid package a provision that the bid is open to and can be used by either the Town of Orangetown or other municipalities. This determination should be made on a case-by-case basis.
2. The specific contract must have been issued in accordance with the provision of General Municipal Law § 103.

G. Procurement Policy Superseded Where Inconsistent.

Any inconsistent provision of the Town's procurement policy, as adopted prior to the effective date of this Local Law by resolution of the Town Board, or as amended thereafter, shall be deemed superseded by the provisions of this chapter.

§ 1A-14. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

§ A-15. Effective Date

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State.

RESOLUTION NO. 236

**APPROVE/AGREEMENT/COUNTY OF
ROCKLAND/COUNTER TERRORISM
TRAINING/OVERTIME COSTS
REIMBURSEMENT**

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

RESOLVED, that upon the recommendation of the Town Attorney, the Town Board hereby approves the Inter-Municipal Agreement with the County of Rockland with the Town of Orangetown for partial reimbursement of overtime costs for law enforcement for counter terrorism training.

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

Noes: None

RESOLUTION NO. 237

**APPROVE/PROJECT GRADUATION
FUNDING**

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

RESOLUTION NO. 237 - Continued

RESOLVED, upon the recommendation of the Director of Finance, Project Graduation funding is hereby approved as follows and charged to Account A4211.457:

Tappan Zee High School	\$ 1500	Pearl River High School	\$1500
Nanuet High School	\$ 750	Albertus Magnus High School	\$ 200
Nyack High School	\$ 750		

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

RESOLUTION NO. 238

LICENSE AGREEMENT/ROCKLAND FILMING CAMPUS, LLC/RPC TOWN OWNED LANDS

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

WHEREAS, the Town of Orangetown is a municipal corporation duly created under the laws of the State of New York, having offices located at 26 Orangeburg Road, Orangeburg, New York 10962 (hereinafter the "TOWN"), and the Owner of certain lands, formerly a part of the Rockland Psychiatric Center, identified as Tax Lot 73.08-1-1 and a portion a portion of 73.12-1-3.1 on the Tax Map of the Town of Orangetown, which the Town has denominated "Parcel 6", and a portion of "Parcel 5", all as shown on the annexed Schedule "A" ("Premises"); and

WHEREAS, ROCKLAND FILMING CAMPUS, LLC, is a New York Limited Liability Company, having offices at 29 Kline Street, Harrington Park, New Jersey 07640 (hereinafter "ROCKLAND FILMING"); and,

WHEREAS, the TOWN and ROCKLAND FILMING are in discussions concerning the possible sale or lease of the Premises by the TOWN to ROCKLAND FILMING or an affiliate for development and use as a film production studio complex; and

WHEREAS, in evaluating whether to make an offer to purchase or lease the Premises from the TOWN, ROCKLAND FILMING, as part of its due diligence, will have to make a significant monetary investment; and

WHEREAS, ROCKLAND FILMING is interested in making such an investment, provided, for a limited period of time, the TOWN and ROCKLAND FILMING agree to the terms and conditions hereinafter set forth in this license agreement (the "Agreement"); and

WHEREAS, in order to induce the TOWN to enter into this Agreement, in the nature of a revocable license for a limited period, with no commitment on the part of the TOWN to sell or lease, nor obligation on the part of ROCKLAND FILMING to purchase or lease, ROCKLAND FILMING is prepared to compensate the TOWN,

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES AND OTHER CONSIDERATIONS SET FORTH HEREIN, IT IS AGREED AS FOLLOWS:

1. Consideration and Term of License.

Commencing May 1, 2016, and on the 1st day of each month thereafter, and for a period of six (6) consecutive months, unless earlier terminated by either party upon no less than sixty (60) days written notice, ROCKLAND FILMING shall pay to the TOWN the sum of EIGHT THOUSAND SIX HUNDRED DOLLARS (\$8,600.00) for each month, or portion of each month.

2. The Parties' Obligations During the Term of the Agreement.

(a) ROCKLAND FILMING'S Obligations. On or before the expiration of the fifth (5th) month of this Agreement (which such period may be extended in writing upon request by ROCKLAND FILMING but solely at the discretion of the TOWN), ROCKLAND FILMING shall develop and present to the TOWN a comprehensive proposal for its purchase or long-term lease and contemplated development of the Premises for use as a film production studio complex. Such comprehensive proposal shall include, at a minimum:

- i) ROCKLAND FILMING'S total financial offer for the purchase and/or long-term lease of the Premises, or any part thereof, including:
 - the direct monetary payment to be paid to the TOWN at Closing; and
 - a detailed description and value of any non-monetary consideration to, or for the benefit of, the TOWN, *i.e.*, walking path / park with amenities, land set-aside for Town Hall, etc. (In this regard, the cost of required remediation of existing
 - buildings and/or other structures on the Premises, the real property tax benefits to the TOWN, and similar such items required for ROCKLAND FILMING'S own use of the Premises should not be included.); and
- ii) A business/feasibility plan, demonstrating, to the TOWN'S reasonable satisfaction, that the contemplated use of the Premises as a film production studio complex is a financially viable use, and that ROCKLAND FILMING has or shall have the financial ability to purchase and develop the Premises for such use.

(b) TOWN'S Obligations. Subject to ROCKLAND FILMING'S timely periodic payment of the fee set forth in Section 1, the TOWN agrees that, during the first five (5) months of this Agreement [and any further period as may be agreed and extended in accordance with Section 2(a)], it shall not sign a letter of intent or an agreement for the sale or lease of the Premises to any party other than ROCKLAND FILMING. Notwithstanding the aforesaid, nothing herein is intended, nor shall same be construed, to prevent, or in any way to limit, the TOWN'S right to meet and/or to solicit or receive offers from any other prospective purchaser during the term of this Agreement.

(c) Review Period. Provided ROCKLAND FILMING shall have timely submitted a proposal as described in Section 2(a), the TOWN shall have thirty (30) days measured from the TOWN's receipt thereof to consider such proposal, throughout which time (subject to ROCKLAND FILMING'S continued payment of the stated monthly fee and subject to either party's right to terminate this Agreement as set forth above) the TOWN shall continue to comply with Section 2(b).

- (d) Expiration of this Agreement. This Agreement shall expire (i) at the end of the period described in the first sentence of Section 2(a) if no proposal to purchase or lease is submitted (without further action by the parties); or (ii) the thirtieth (30th) day after submission of such proposal to purchase or lease, unless, in each case, extended in writing upon request by ROCKLAND FILMING but solely at the discretion of the TOWN.

Nothing herein is intended, nor shall same be construed, as a commitment by either party to undertake any further or future course of action with the other upon the expiration of the review period.

- (e) Except for the specific obligations and covenants set forth in this Agreement, this Agreement is not intended to create, and shall not create any legally binding right or obligation on the Town or Rockland Filming and neither party shall be legally bound to enter into a sale or lease transaction unless each, acting in their sole discretion, elect to execute and deliver a purchase and sale agreement or a lease.

3. Access to the Premises / Insurance / Indemnification.

- (a) Access. Throughout the period of this Agreement, upon reasonable notice to the Town Superintendent of Parks, Recreation and Buildings, ROCKLAND FILMING, it's

officers, employees, and agents shall be permitted access to the Premises, including all structures thereon (other than tunnels or other confined spaces) for any visual inspection that it, in its judgment, may be required in furtherance of its obligations hereunder.

In clarification of the aforesaid, and in light the limited purpose of this Agreement, it is expressly understood and agreed that under no circumstances shall ROCKLAND FILMING, or any person or entity acting with, or on behalf of, ROCKLAND FILMING, engage in any inspection, test, procedure, process or other invasive activity, of any kind, which physically disturbs or alters, in any manner, except to a *de minimus* extent, the physical condition of the Premises or any building or structure thereon [without the prior written consent of the Town](#).

(b) **Insurance / Indemnification.** The TOWN expressly reserves the right to condition access to the Premises by, or on behalf of, ROCKLAND FILMING, upon proof that it or its contractor has procured liability insurance coverage of the type(s), and in the amounts, as may be required by the TOWN, in its reasonable judgment, to protect the TOWN from and against any claim, damage or liability of any kind or nature as a result of ROCKLAND FILMING'S presence on the Premises, naming the Town as an additional insured thereon.

In addition to, and independent of, any insurance coverage or obligation that may exist, ROCKLAND FILMING expressly agrees to defend, save, indemnify and hold harmless the TOWN, and all of its agents, officials, officers, servants and employees, by reason of any claim, suit, action or causes of action, lawsuit or legal proceeding, regardless of origin or nature, arising out of ROCKLAND FILMING'S performance, operation, carrying-out, execution or conducting of any aspect of this Agreement, or associated activities or business, whether by violation of statute, law, ordinance, regulation, order or decree or common law liability, and whether or not a negligent act or omission is claimed [\(but not as a result of any such violation, act or omission by the Town or any person or entity other than Rockland Filming\)](#), and ROCKLAND FILMING agrees to defend such suit and pay all costs, expenses and reasonable attorney's fees incurred therein, [provided that Rockland Filming does not assume any responsibilities and shall not be required to indemnify or assume any liability to the Town or any other person for pre-existing conditions at the Premises or the maintenance, up-keep, safety, environmental law compliance or any other duty of an owner of the Premises.](#)

This indemnification provision shall survive the expiration or other termination of this Agreement.

4. **Safe and Prudent Activity.**

ROCKLAND FILMING agrees that its activities under this License will be performed in a lawful, prudent and safe manner, in accordance with all federal, state or local laws or regulations as may apply, and will not unreasonably interfere with the normal activities of the TOWN or any third-party present on the Premises with the TOWN'S permission or acquiescence, or otherwise as permitted by law or agreement.

5. **No Property Rights in Premises.**

ROCKLAND FILMING expressly acknowledges and agrees that, [except as provided in this Agreement](#), neither the signing of this Agreement nor any activity undertaken, or expense incurred, by it in furtherance of this Agreement's limited purpose shall give ROCKLAND FILMING any property right or other interest, of any kind or nature, in the Premises. ROCKLAND FILMING further agrees that it shall not file for any reason, under any circumstance, any lien, notice of lien, action or proceeding or claim of any nature which has the effect of encumbering the Premises, or the TOWN'S title to, or interest in, the Premises.

6. **Notices.**

All notices hereunder to the respective parties will be in writing and will be served by personal delivery or by prepaid, express mail (next day) via a reputable courier service, or by prepaid, registered or certified mail, addressed to the respective parties at their addresses set forth below. Any such notice to the Town or the Company will be deemed to be given and effective: (i) if personally delivered, then on the date of such delivery, (ii) if sent via express mail (next day), then one (1) business day after the date such notice is sent, (iii) if sent by registered or

certified mail, then three (3) business days following the date on which such notice is deposited in the United States mail addressed as aforesaid, or (iv) if sent by telecopy, then at the time and on the date set forth on the telecopy confirmation sheet, provided that if the time of delivery is after 5:00 p.m. Eastern Time, delivery shall be deemed given on the next Business Day. Copies of all notices will be sent to the following:

If to the TOWN:

Town of Orangetown
Town Hall
26 Orangeburg Road
Orangeburg, New York 10962
Attn: Town Supervisor

If to ROCKLAND FILMING CAMPUS, LLC

ROCKLAND FILMING CAMPUS, LLC
29 Kline Street
Harrington Park, New Jersey 07640
Attn: Eugene A. Camali

7. Miscellaneous Provisions.

- a) No Waiver. The failure of the TOWN to insist upon the strict performance of any of the provisions, terms, promises, conditions and covenants herein shall not be deemed a waiver of any rights, privileges or remedies that the TOWN may have, and shall not be deemed a waiver of any subsequent breach, violation or default of any such provisions, terms, promises, conditions or covenants herein contained.
- b) Severability. If any term, provision, covenant, promise or condition of this Agreement, or the application thereof to any person or circumstance, shall, to any extent, be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each remaining term, provision, covenant, promise and condition of this Agreement shall be valid and remain in full force and effect.
- c) No Automatic Renewal or Extension. Nothing herein contained shall be deemed or construed so as to create an automatic renewal or extension of the Term of this Agreement.
- d) Governing Law / Venue. This Agreement shall be governed by, and construed in accordance with, the laws of the State of New York, and any action or other proceeding brought in connection herewith shall be filed and prosecuted in the Supreme Court of the State of New York, in the County of Rockland.
- e) No Third Party Beneficiaries. This Agreement is for the sole benefit of the named parties and their respective legal representatives, successors, heirs and permitted assigns, and no other person or entity shall be entitled to rely upon or receive any benefit from this Agreement.
- f) Recording. Neither this Agreement nor any document referenced in this Agreement shall be recorded in any public office by or on behalf of either party, except that a copy of same shall be filed in the Office of the Town Clerk.
- g) Headings. All Section headings contained in this Agreement are inserted only as a matter of convenience and reference and shall not be construed to define, limit, extend or describe the scope of this Agreement or the intent of any of its provisions.

8. Modification.

This Agreement contains the complete and entire agreement made between the TOWN and ROCKLAND FILMING, and may not be modified, changed or revised orally or in any other manner other than by an agreement, in writing, signed by all of the parties or their respective successors in interest.

Authority to Execute.

By affixing their signatures hereto, the executing parties represent and acknowledge that each has the authority to do so and to bind the entity for which it signs. The authority for the Town Supervisor, or his designated representative, to do so is as a result of Town Board Resolution # ___ of 2016.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be signed by their authorized officers and have caused their corporate or business entity seals to be affixed hereto.

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

RESOLUTION NO. 239

APPROVE/2015 HIGHWAY BUDGET TRANSFERS

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

RESOLVED, that the Town Board approves the following Budget Adjustments for 2015 as recommended by our auditors:

Town of Orangetown
 Highway Fund Amended Budget Lines 2015

	4/12/16 TB Meeting Amend TBR #199 Final Budget Positive (Negative)	5/3/16 TB Meeting Revised Part Town Final Budget Positive (Negative)	5/3/16 TB Meeting Revised Town Wide Final Budget Positive (Negative)
General Government Support		(\$358)	\$1,590
Transportation			
General Repairs	(\$154,907.00)	(\$58,586)	(\$105)
Permanent Improvements		\$58,944	
Machinery			(\$85,153)
Brush & Weeds			\$331,624
Snow Removal			(\$453,998)
Total over budget lines	(\$154,907.00)		
EMPLOYEE BENEFITS			
State Retirement			\$14,458
Social Security			\$55,269
Unemployment Benefits			(\$766)
Hospitalization and Dental Insurance	\$154,907.00		\$87,528
<hr/>			
To increase TW State aid budget line to extent of TW over budget lines	\$0.00	\$0.00	\$49,533

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

RESOLUTION NO. 240

BUILDING SAFETY MONTH/MAY 2016

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

Whereas, our Town of Orangetown’s continuing efforts to address the critical issues of safety, energy efficiency, water conservation, and resilience in the built environment that affect our citizens, both in everyday life and in times of natural disaster, give us confidence that our structures are safe and sound, and;

Whereas, our confidence is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, laborers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;

Whereas, these guardians—dedicated members of the International Code Council—use a governmental consensus process that brings together local, state and federal officials with expertise in the built environment to create and implement the highest-quality codes to protect Americans in the buildings where we live, learn, work, worship, play, and;

Whereas, the International Codes, the most widely adopted building safety, energy and fire prevention codes in the nation, are used by most U.S. cities, counties and states; these modern building codes also include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wild land fires, floods and earthquakes, and;

Whereas, Building Safety Month is sponsored by the International Code Council, to remind the public about the critical role of our communities’ largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient and livable buildings, and;

Whereas, “Building Codes: Driving Growth through Innovation, Resilience and Safety” the theme for Building Safety Month 2016, encourages all Americans to raise awareness of the importance of building safe and resilient construction; fire prevention; disaster mitigation, water safety and conservation; energy efficiency and new technologies in the construction industry. Building Safety Month 2016 encourages appropriate steps everyone can take to ensure that the places where we live, learn, work, worship and play are safe and sustainable, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies, and,

Whereas, each year, in observance of Building Safety Month, Americans are asked to consider projects to improve building safety and sustainability at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW, THEREFORE, I, Andrew Stewart, Supervisor of the Town of Orangetown, do hereby Proclaim the month of May 2016 as Building Safety Month. Accordingly, I encourage our citizens to join with their communities in participation in Building Safety Month activities.

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

Noes: None

RESOLUTION NO. 241

**NATIONAL PUBLIC WORKS WEEK
MAY 15-21, 2016**

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

WHEREAS, the many services provided by Public Works to our community are an integral part of our citizen’s everyday lives; and

RESOLUTION NO. 241 - Continued

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water treatment and distribution, sewers, streets and highways, public buildings, solid waste, recycling, parks and landscaping, maintenance and operations; and

WHEREAS, the health, safety, economic vitality and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these services, as well as their planning, design, and construction of public facilities and utilities, is vitally dependent upon the efforts and skills of public works representatives; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff Public Works Departments is materially influenced by the public's attitude and understanding of the importance of the work they perform,

NOW, THEREFORE, I, Andrew Stewart, Supervisor, on behalf of the Town Board and the Town of Orangetown, do hereby proclaim the week of May 15-21, 2016, as "National Public Works Week" in the Town of Orangetown, and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing quality Public Works services and to recognize the contributions which Public Works representatives make every day to our health, safety, comfort, and quality of life, not only this week but throughout the year.

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

RESOLUTION NO. 242

**AID/PEARL RIVER MEMORIAL DAY
PARADE/MAY 30, 2016**

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

RESOLVED, that the Town Board hereby authorizes the Town of Orangetown Highway Department to lend assistance which includes the use of barricades for the Memorial Day Parade, Pearl River, on Monday, May 30, 2016, from 9:45 a.m. to 11:45 a.m.

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

RESOLUTION NO. 243

**AID/THE PALISADES LIBRARY
125TH ANNIVERSARY CELEBRATION
MAY 14, 2016**

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

RESOLVED, that the Town Board hereby authorizes the Town OF Orangetown Highway Department to lend assistance which includes the use of barricades, detour signs, and the message board for the 125th Anniversary of The Palisades Free Library on Saturday, May 14, 2016 (rain date of May 15th) from 11:00 a.m. to 5:00 p.m.

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

RESOLUTION NO. 244

AID/2ND ANNUAL NUN RUN/MAY 7th, 2016

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

RESOLVED, that the Town Board hereby authorizes the Town of Orangetown Highway Department to lend assistance which includes the use of barricades for the 2nd Annual Nun Run, on Saturday, May 7, 2016, from 9 am to 11 am.

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

RESOLUTION NO. 245

**AID/SHOWMOBILE/ANCIENT ORDER OF
HIBERNIANS/COMMEMORATION OF
1916/EASTER UPRISING/DUBLIN**

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

RESOLVED, that the Town Board hereby authorizes the Town of Orangetown Highway Department to lend assistance which includes the use of ten (10) barrels, AND that upon completion of all necessary paperwork, the Superintendent of Parks and Recreation has forwarded for approval by the Town Board for use of the Showmobile by the Ancient Order of Hibernians for their Commemoration of 1916 Easter Uprising in Dublin on Sunday, April 24th, 2016 at a rental cost of \$400.00 with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

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

RESOLUTION NO. 246

NATIONAL POLICE WEEK/MAY 15-21, 2016

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

To recognize National Police Week 2016 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Town of Orangetown Police Department;

WHEREAS, there have been 15,725 assaults against law enforcement officers in 2014, resulting in approximately 13,824 injuries;

WHEREAS, since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including two officers' from the Town of Orangetown Police Department (1973) and two officers from Village of Nyack Police Department (1981) ;

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.;

WHEREAS, 252 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 123 officers killed in 2015 and 129 officers killed in previous years;

RESOLUTION NO. 246 - Continued

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 28th Annual Candlelight Vigil, on the evening of May 13, 2016;

WHEREAS, the Candlelight Vigil is part of National Police Week, which takes place this year on May 15-21; NOTE: Because May 15, 2016 falls on a Sunday, some events will take place before the official dates of police week 2016.

WHEREAS, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff;

THEREFORE, BE IT RESOLVED that Orangetown Town Board formally designates May 15-21, 2016, as Police Week in the Town of Orangetown, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

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

RESOLUTION NO. 247

**MENTAL HEALTH AWARENESS
MONTH MAY 2016**

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

WHEREAS, since 1949, the month of May has been designated as Mental Illness Awareness Day throughout the nation; and

WHEREAS, mental health is essential to the well-being and the vitality of all families, businesses and communities; and

WHEREAS, mental health conditions are real and prevalent in our nation with 1 out of 4 Americans and 1 out of 5 children affected by mental illness; and

WHEREAS, more people die from suicide in the United States than from traffic accidents and an estimated 22 veterans die from suicide each day; and

WHEREAS, stigma and fear of discrimination keep many who would benefit from mental health services from seeking help; and

WHEREAS, with effective treatment those individuals with mental health conditions can recover and lead full, productive lives; and

WHEREAS, education, compassion, and awareness about mental illness can change negative attitudes and behaviors toward people with mental illness; and

WHEREAS, each business, school, government agency, law enforcement agency, healthcare provider, organization and citizen shares the responsibility to promote mental wellness and support prevention efforts; and

WHEREAS, the National Alliance on Mental Illness of Rockland County (NAMI Rockland) is a grassroots community mental health agency affiliated with NAMI NYS and NAMI National and dedicated to improving the lives of individuals living with mental illness and their families through education, support and advocacy; and

WHEREAS, NAMI Rockland is participating in a statewide ribbon campaign to raise awareness of mental illness, reduce stigma, promote understanding and encourage treatment during Mental Health Awareness Month in May 2016.

RESOLUTION NO. 247 - Continued

NOW THEREFORE, I, Andrew Stewart, do proclaim the Month of May 2016, as MENTAL HEALTH AWARENESS MONTH in Orangetown.

As Supervisor of the Town of Orangetown, I also call upon all Rockland County citizens, government agencies, public and private institutions, businesses and schools to recommit our community to increasing awareness and understanding of mental illnesses, reducing stigma, and discrimination, and promoting appropriate and accessible services for all individuals.

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

Noes: None

RESOLUTION NO. 248

**AUTHORIZE AGREEMENT
WATERSENSE PARTNERSHIP/THE
US ENVIRONMENTAL PROTECTION
AGENCY**

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

WHEREAS, in June of 2006 the United States Environmental Protection Agency (EPA) established the WaterSense program; and

WHEREAS, WaterSense is a national, voluntary partnership program designed to help reduce municipal water use across the country through water-efficient products and the construction of water-efficient new homes; and

WHEREAS, the WaterSense program labels products that use 20 percent less water and perform as well as or better than conventional models; and

WHEREAS, the WaterSense label makes it easy for consumers to identify products and new homes that have been independently certified to meet the EPA's efficiency and performance criteria; and

WHEREAS, for each product eligible to earn the WaterSense label, the EPA has developed rigorous water efficiency, performance and testing requirements; and

WHEREAS, the Town of Orangetown is eligible to serve as a WaterSense Promotional Partner; and

WHEREAS, as a WaterSense Promotional Partner, the Town of Orangetown would assist the EPA in educating others about the value of water, water efficiency, and the WaterSense brand; and

WHEREAS, as a Promotional Partner, The Town of Orangetown would participate in national outreach campaigns such as "Fix a Leak Week," "Sprinkler Spruce-Up," and "Shower Better;" and

WHEREAS, as a Promotional Partner, the Town of Orangetown would enjoy access to free materials and tools to help promote WaterSense labeled products and water efficiency programs; and

WHEREAS, as a Promotional Partner, the Town of Orangetown would enjoy membership in a network of water-efficiency experts to learn new strategies and collaborate with other partners; and

WHEREAS, there is no fee to join the WaterSense program as a Promotional Partner; and

WHEREAS, as a WaterSense Promotional Partner, the Town would demonstrate its commitment by submitting a yearly data report to the EPA regarding its findings; and

WHEREAS, this data report will allow the WaterSense program to measure results, such as total products labeled and water saved; and

WHEREAS, the Orangetown Environmental Committee of the Town has met, considered, and by a unanimous vote approved this Resolution; now therefore be it

RESOLVED, that the Orangetown Town Board approves Rockland County's free membership in the United States Environmental Protection Agency's WaterSense program as a Promotional Partner, to help reduce municipal water use through the promotion of water-efficient products and new home

RESOLUTION NO. 248 - Continued

constructions, and authorizes the Town Supervisor to execute a WaterSense partnership agreement on behalf of the Town; and be it further

RESOLVED, that the Clerk to the Town Board is hereby authorized and directed to send a copy of this resolution to the Hon. Andrew M. Cuomo, New York State Governor; Hon. David Carlucci and Hon. William J. Larkin, Jr., New York State Senators; Hon. Kenneth P. Zebrowski, Hon. Ellen Jaffee, Hon. James G. Skoufis, and Hon. Karl A. Brabenec, Members, New York State Assembly; Gina McCarthy, Administrator of the United States Environmental Protection Agency; and to such other persons as the Clerk, in her discretion, may deem proper in order to effectuate the purpose of this Resolution.

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

RESOLUTION NO. 249

AID& SHOWMOBILE/VILLAGE OF NYACK/AFRICAN AMERICAN FESTIVAL/MAY 7, 2016

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

RESOLVED, that upon completion of all necessary paperwork the Superintendent of Parks and Recreation has forwarded for approval by the Town Board use of Showmobile by the Village of Nyack for their African American Festival on Saturday, May 7th, 2016, from 10 a.m. to 7 p.m. at a rental cost of \$400.00 with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

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

RESOLUTION NO. 250

APPROVE/JOSEPH B. CLARKE RAIL TRAIL/GRAN FONDO NY BIKE RACE/MAY 15, 2016/

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 Parks and Recreation, approve the exclusive use of the Joseph B. Clark Rail Trail section between Greenbush Rd. and Kings Highway on Sunday, May 15, from 9 a.m. to 4:30 p.m. by Gran Fondo New York (Bike Race) for a cost of \$120.00 per hour. Gran Fondo will be responsible for all labor costs associated with the use and closure of the Rail Trail.

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

RESOLUTION NO. 251

APPROVE/CONSENT/AYS NEW YORK, INC. d/b/a/AT YOUR SERVICE NY CATERING/CONCESSION STAND AND SNACK SHACK/VETERANS MEMORIAL PARK

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

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, approve, and consent to, the request of the Licensee, AYS New York, Inc. d/b/a At

RESOLUTION NO. 251 - Continued

Your Service NY Catering, to exercise a 2-year renewal option period beginning April 1, 2016 and ending March 31, 2018, as per ¶2(a) of the License Agreement, dated May 9, 2014, for the operation of the food service establishment (i.e., concession stand/snack shack) at Veterans Memorial Park, 81 Hunt Road, Orangeburg, for an annual rent of \$4,200.00.

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

RESOLUTION NO. 252

SEWER WORK 2016/CERTIFICATE OF REGISTRATION

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

Crossroads Plumbing & Heating, 14 Spring Avenue, Bergenfield, NJ 07621
Pro-Cut Landscaping, 11 Pineview Road, West Nyack, NY 10994
Belleville Landscaping, Inc., 84 North Route 9W, Congers, NY 10920
SDM Industries, Inc., 21 South Park Terrace, Congers, NY 10920
Dutra Excavating & Sewer, 10 Stone Hollow Road, Montvale, NJ 07645

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

RESOLUTION NO. 253

AUTHORIZE CONTRACT/CORNELL COOPERATIVE EXTENSION/MS4 REQUIREMENTS

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

RESOLVED, that upon the recommendation of the Commissioner of DEME and the Superintendent of Highways, the annual contract with Cornell Cooperative Extension, for the Town's MS4 requirements, to provide community-wide education, is approved at a cost of \$6,800.00, payable within 60 days after receiving the invoice, to be split equally between the Highway Department and DEME.

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

RESOLUTION NO. 254

ACCEPT RETIREMENT/DOUGLAS PITTS/SEWER INSPECTOR II/DEME

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

RESOLVED, that the Town Board accept with regret after 41 years of service, the retirement of Douglas Pitts, Sewer Inspector II, Department of Environmental Management and Engineering, effective April 29, 2016.

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

RESOLUTION NO. 255

**CREATE POSITION/ACCOUNT
CLERK TYPIST/HIGHWAY**

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

RESOLVED, that upon the recommendation of RC Personnel, the position of Account Clerk Typist, Grade 4, in the Highway Department, is hereby created.

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

Noes: None

RESOLUTION NO. 256

**APPOINT LYNN MARIE COLLINS
ACCOUNT CLERK TYPIST/HIGHWAY**

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

RESOLVED, that upon the recommendation of the Superintendent of Highways, Lynn Marie Collins is hereby appointed to the position of Account Clerk Typist, from EL #14065, Grade 4, Step 1, at a salary of \$40,216.00, effective May 23, 2016.

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

Noes: None

RESOLUTION NO. 257

**ADOPT ADA POLICY/APPOINT
DONNA MORRISON/ADA
COORDINATOR**

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

WHEREAS, pursuant to the American with Disabilities Act of 1990 (ADA), the Town is required to adopt an ADA policy, as well as appoint an ADA Coordinator to insure compliance with the Americans with Disabilities Act,

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Orangetown that it hereby adopts an ADA POLICY, a copy of which is available in the Town Clerk's Office, and

BE IT FURTHER RESOLVED, that DONNA A. MORRISON, Human Resources Coordinator, is hereby appointed ADA Coordinator.

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

Noes: None

RESOLUTION NO. 258

PAY VOUCHERS

Supervisor Stewart offered the following resolution, which was seconded by Councilman Diviny 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 \$1,559,585.17.

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

Noes: None

RESOLUTION NO. 259

ADJOURNED/MEMORY

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

RESOLVED, at 9:55 p.m., the Town Board adjourned, in memory of Michael John Coffey, Pearl River, and Paul Rivet, Orangeburg.

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

Charlotte Madigan, Town Clerk