

**TOWN OF ORANGETOWN REGULAR TOWN MEETING
Tuesday, March 26, 2019**

This Town Board Meeting was opened at _____ p.m.

Councilman Denis Troy _____

Councilman Thomas Diviny _____

Councilman Paul Valentine _____

Councilman Jerry Bottari _____

Supervisor Christopher Day _____

Pledge of Allegiance to the Flag

ANNOUNCEMENTS :

Orangetown Town Clerk, Rosanna Sfraga, Rockland County Solid Waste Authority, and People to People will host a Paper Shredding and Non-Perishable Food Collection Event: Saturday, April 13, 2019 from 8:00 am - 12 Noon; Orangetown Town Hall Parking Lot. Please bring non-perishable food items for donation to "People to People" local food pantry Let's shred hunger together! A Board Member from

- People to People will match \$1 per item of food collected.

- Shredding Service is FREE and SECURE
- Drive-thru (Drive up to the truck and someone will unload your documents
- Paper Clips and Staples are acceptable
- NO Plastic Bags, Binders, or Large Binder Clips

CAMP SHANKS LEGACY EXHIBIT (Tells the story of the camp and how it indelibly affected the development of the Town of Orangetown) opens at the Orangetown Museum - **Opening reception April 13th , Saturday, 2-4 PM**, at the Depew House, 196 Chief Bill Harris Way, Orangeburg, NY, sponsored by the Orangetown Historical Museum and Archives (Tuesdays & Fridays 10-2; Sundays 1-4) All are welcome / Admission is free

Public Hearing / RTBM April 30th, 2019 at 8:05 P.M. / Proposed Local Law,

- amending Chapter 43, 2.2 , establishing Town Zoning Map / Zone Change for 576 Route 303 and Adjoining Properties

PRESENTATIONS:

- Presentation by the Historic Areas Board of Review (HABOR) requesting town code changes

DISCUSSION:

WORKSHOP OF AGENDA ITEMS

PUBLIC COMMENT:

OPEN PUBLIC COMMENT PORTION

1. **RESOLVED**, that the public portion is hereby opened.

SUMMARY OF PUBLIC COMMENTS:

CLOSE PUBLIC COMMENT PORTION

2. **RESOLVED**, that the public portion is hereby closed.

AGENDA ITEMS:

TOWN BOARD

**RESOLUTION TO ACCEPT PETITION / REQUEST FOR
ZONE CHANGE FOR 576 ROUTE 303 AND ADJOINING
PROPERTIES / DIRECT CIRCULATION OF PROPOSED
LOCAL LAW, AMENDING TOWN ZONING MAP /
DECLARE INTENT OF TOWN BOARD TO SERVE AS
LEAD AGENCY**

3. **WHEREAS**, the owner of premises located at 576 Route 303, Blauvelt, New York, being located in the "LO" (Laboratory-Office) zoning district, has petitioned the Town Board to change the zoning classification of the property and the following neighboring properties to that of "CC" (Retail-Commerce); and

WHEREAS, upon preliminary review, the Town Board is favorably disposed to such a change because the area immediately to the north and south of the proposed zone change is currently zoned as "CC" and this would be an extension of such zone, permitting additional retail and other uses that are consistent with the current uses in the area, in addition to some permitted uses that would continue; and

WHEREAS, the Town Board wishes to proceed with its consideration of the proposed action, toward which end it wishes to commence the environmental review process, as well as review by other interested agencies; and

WHEREAS, upon review of the Petition, and a Short Environmental Assessment Form prepared at the Town Board's request by the Office of Building, Zoning, Planning and Administration and Enforcement, and related documents and filings, the Board makes the following preliminary determinations: The proposed action is one subject to review under the State Environmental Quality Review Act ("SEQRA");The proposed action as an

“Unlisted” action; and The following are involved or interested or involved agencies in the review process: Orangetown Planning Board; Rockland County Department of Planning; Rockland County Highway Department

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review under SEQRA, and directs that a Lead Agency Coordination Letter with relevant documents be circulated to and among the various above referenced agencies; and

BE IT FURTHER RESOLVED, that the circulation to the Rockland County Department of Planning further be for the purpose of review pursuant to General Municipal Law §§ 239- l & m; and

BE IT FURTHER RESOLVED, that, pursuant to Town Code Chapter 43, § 10.5, the Town Board hereby refers the said Petition and a proposed Local Law, amending the Town Zoning Map, to the Town Planning Board, inviting its input regarding, among other things, the implications of such an amendment, and requesting a response within 30-days.

RESOLUTION TO SET PUBLIC HEARING / APRIL 30 at 8:15 PM / CHAPTER 14C / PROPOSED AMENDMENT TO TOWN CODE SECTION ENTITLED "FILMING"

- 4. **RESOLVED**, that the Town Board will hold a public hearing on April 30 at 8:15 PM. on a proposed Local Law, amending Chapter 14C regarding commercial filming in the Town of Orangetown.

RESOLUTION OF INTENT TO DECLARE / TOWN BOARD TO SERVE AS LEAD AGENCY UNDER SEQRA / PROPOSED AMENDMENT TO TOWN CODE SECTION ENTITLED "FILMING" / CHAPTER 14C / DIRECT CIRCULATION TO INTERESTED PARTIES

- 5. **WHEREAS**, Chapter 14C of the Town Code entitled “Filming” was amended by Local Law in 2018, and

WHEREAS, the Town Board has determined that the Town Code with respect to “Filming” is in need of further revisions to address issues with respect to activities that may be a part of filming activities in the Town as well as flexibility with respect to fees , and

WHEREAS, upon review of the proposed Local Law, Short Environmental Assessment Form, and related documents and filings, the Board makes the following preliminary determinations:

- 1. The proposed action is one subject to review under the State Environmental Quality Review Act (“SEQRA”);
- 2. The proposed action as a “Type II” (NYCRR 617.5(21) and (33)) action; and

3. The following are involved or interested or involved agencies in the review process:

Orangetown Planning Board

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review under SEQRA, and although classified as Type II action, directs that a Lead Agency Coordination Letter with relevant documents be circulated to the Orangetown Planning Board for review and comment.

**RESOLUTION TO APPOINT _____ / MEMBER /
PLANNING BOARD / 7 YEAR TERM**

6. **RESOLVED**, that _____ is hereby appointed as Member to the Planning Board for a period of 7-Years, commencing January 1, 2019 and expiring on December 31, 2025.

**RESOLUTION TO DESIGNATE /
CLIMATE SMART COMMUNITY
(CSC) COORDINATOR AND
TASK FORCE**

7. **RESOLVED**, that the Town Board hereby designates Eamon Reilly as CSC (Climate Smart Communities) coordinator, responsible for coordinating the activities of the CSC task force and associated climate mitigation and adaptation activities as well as serving in the role of liaison between the CSC task force and the Town officials; and

BE IT FURTHER RESOLVED, the following members of the Orangetown Environmental Committee are designated in the role of CSC task force: Maria Gagliardi, Peggy Kurtz and Michael Andrea.

**RESOLUTION TO APPROVE / TEMPORARY
ATTACHMENT PERMIT AGREEMENT /
ORANGE AND ROCKLAND UTILITIES, INC. /
2019 MILITARY BANNER PROGRAM**

8. **RESOLVED**, that the Town Board hereby approves the Temporary Attachment Permit Agreement, dated March 26, 2019 between the Town and Orange and Rockland Utilities, Inc. for six (6) month display of patriotic military banners upon utility poles along Orangeburg Road (Orangeburg, NY) as a part of the 2019 Military Banner Program.

RESOLUTION TO DESIGNATE / PUBLIC PERMIT PARKING AREAS / MUNICIPAL PARKING LOTS / PARKING PERMIT AND METER FEES / DOWNTOWN PEARL RIVER

9. **WHEREAS**, pursuant to Orangetown Town Code Section 24-1 the Town Board has been empowered to set fees for parking permits; and

WHEREAS, pursuant to Orangetown Town Code Section 24-1 the Town Board has been authorized to determine the designation, fees and duration of permits for spaces in certain public parking lots and meter parking fees; and

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Orangetown hereby adopts the following parking and parking permit fees:

1. Municipal Parking Permit– allows parking during hours meters are in operation in each respective lot:

Cost for full year: \$190.00

Cost for half year: \$100.00

2. Merchant Parking Permit - for Merchant Only marked metered street parking:

Cost for full year: \$10.00 (plus must still feed the meters).

3. Overnight Parking Permit - (covers hours of 2AM – 6AM all year or between November 15th and April 15th depending if full year or seasonal version) in Permit Parking Only spot as designated in a municipal lot:

Cost for Full Year: \$300.00

Cost for Seasonal: \$200.00

4. 24/7 Parking Permit - allows for 24/7 parking in any “Permit Parking Only” spot as designated in a municipal lot:

Cost for Full Year: \$600.00

BE IT FURTHER RESOLVED that the Town Board of the Town of Orangetown hereby designates the following public parking lots and meter parking fees as follows:

1. Municipal Lots 1 and 3 (behind Joe & Joes and behind Joyce Realty)
Meters: 25 cents per hour, maximum of 12 hours, Monday through Saturday 9AM through 6PM (time limits apply to permit or meter parking);

2. Municipal Lot 2 (Williams St) Meters: 25 cents per hour, maximum of 16 hours, Monday through Saturday, 5:30AM through 11:30PM (time limits apply to permit or meter parking); and

3. Permit Parking Only area (where 24/7 must park and where any permit

holder MAY park during daytime hours and where 24/7 and overnight parking MUST park off-hours (2am-6am): all spots along the northern edge of Municipal Lot 1 and along the western side of the entrance from Washington Avenue into Municipal Lot 1 are designated as Permit Parking Only.

TOWN BOARD / IT

RESOLUTION TO APPROVE / 60 DAY FREE SOFTWARE PILOT PROGRAM / GRANICUS SOLUTIONS

10. **RESOLVED**, that the Town Board hereby approves the Town's engagement in a free trial pilot program for agenda management software solutions with Granicus Solutions for a period of 60 days.

FINANCE

RESOLUTION TO APPROVE / THIRD PARTY CUSTODIAN AGREEMENT / COLLATERALIZED MUNICIPAL DEPOSITS / STERLING NATIONAL BANK / BANK OF NEW YORK MELLON (BONY)

11. **RESOLVED**, that the Town Supervisor is authorized to sign the third party custodian agreement between Sterling Bank, Bank of NY Mellon, and the Town of Orangetown regarding collateralized municipal deposits.

TOWN ATTORNEY

RESOLUTION FOR APPROVAL / 2019 CERTIFICATE OF SEWER REGISTRATION

12. **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 2019 Sewer Work is approved to:

Pro-Cut Landscaping, 11 Pineview Road, West Nyack, NY 10994, Tel.: 845-222-5986

United Sewer & Drain Service, P.O. Box 123, Slate Hill, NY 10973, Tel: 888-845-2564

**RESOLUTION TO AMEND DECLARATION
OF RESTRICTIVE COVENANT /
RESOLUTION NO. 514 of 2004 /
HOLLOWS AT BLUE HILL, LLC. /
AFFORDABLE UNIT**

13. **WHEREAS**, by Town Board Resolution # 514 of 2004, the Town granted a zone change for property owned by the Hollows at Blue Hill, LLC., which zone change included additional bonus density units for the inclusion of affordable housing units; and

WHEREAS, pursuant to Planning Board Decision #05-81, the Hollows at Blue Hill, LLC. identified the "Affordable Units" as Units 26, 52, 68; A-103; B-101; and Unit C-107, which units were subject of a "Declaration of Restrictive Covenant Relating to Affordable Units," which was recorded in the Office of the Rockland County Clerk of the County of Rockland on September 25, 2006, by instrument Number 2006-00050991; and

WHEREAS, the Hollows at Blue Hill, LLC. later petitioned the Town Board to relocate one of the affordable units, from the unit known as N-26 to the unit known as B-70, which request was approved by the Town Board by Resolution #425 of July 29, 2009, and the Orangetown Planning Board by decision #09-45 of July 22, 2009; and

WHEREAS, consistent with the approval from the Town of Orangetown, the Hollows at Blue Hill, LLC. sold unit N-26 on April 23, 2013, at market rate and not as an Affordable Unit, and sold unit B-70 on September 9, 2016, as an Affordable Unit, without have amended the Restrictive Covenant;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board approves an amendment to the Declaration of Restrictive Covenant Relating to the Affordable Units previously executed by the Hollows at Blue Hill, LLC. on July 17, 2006, and recorded in the Office of the County Clerk of the County of Rockland on September 25, 2006, as Instrument Number 2006-00050991, to remove "Unit 26" as an affordable unit and to replace it with "Unit 70"; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to execute the Amended Declaration.

HIGHWAY

**RESOLUTION TO APPROVE / 2019
HIGHWAY SURPLUS EQUIPMENT**

14. **RESOLVED**, that the following Highway Department equipment to be declared surplus: 2007 Toro Dingo TX-525, VIN # 270000661 & 2005 Bombardier SW 48 HY (with attachments), VIN # U130073L.

**RESOLUTION TO AWARD BID / NEW
TRAFFIC SIGNAL AT THE INTERSECTION /
CONVENT ROAD AND THIRD AVENUE /
VERDE ELECTRIC MAINTENANCE CORP.**

15. **WHEREAS**, the Superintendent of Highways duly advertised for sealed bids for the New Traffic Signal at the Intersection of Convent Road and Third Avenue in Blauvelt, NY, which were publicly opened on March 14, 2019. The Superintendent of Highways made his recommendation to the Town Board and made part of these minutes.

NOW THEREFORE, BE IT RESOLVED, that this bid is hereby awarded to Verde Electric Maintenance Corp, Mount Vernon, New York, the lowest qualified bidder, in the amount of \$112,750.00.

**RESOLUTION TO GRANT
PERMISSION TO ATTEND /
2019 HIGHWAY SCHOOL /
ITHACA COLLEGE**

16. **RESOLVED**, that the Town Board hereby grants permission for the following personnel Jim Dean, Stephen F. Munno, Karl Bohn Jr., & Brian DeBonis to attend the 2019 Association of Town's Annual Highway School, Ithaca, NY, from June 3 - 5, 2019, at a cost of \$1,619.00 for conference fees, lodging & travel expenses, charged to Account #'s: A.5010.441 (\$330.00) and A.5010.480 (\$1,289.00).

**RESOLUTION TO AWARD BID CONTRACT / 2019
CURBSIDE COLLECTION, TRANSPORTATION &
DISPOSAL OF RESIDENTIAL RECYCLABLE
MATERIALS / 5 YEARS / CHARLES CAPASSO &
SONS, INC.**

17. **WHEREAS**, the Superintendent of Highways duly advertised for sealed bids for the curbside collection of recyclables, which were publicly opened on March 14, 2019. The Superintendent of Highways made his recommendation to the Town Board and made part of these minutes.

NOW THEREFORE, BE IT RESOLVED, that this bid is hereby awarded to Charles Capasso and Sons, Inc, Congers, NY the only qualified bidder, in the amount of \$5.50 per dwelling unit for collection once per week, every week for 2019; \$6.00 per dwelling unit for collection once per week, every week for 2020; \$6.50 per dwelling unit for collection once per week, every week for 2021; \$7.00 per dwelling unit for collection once per week, every week for 2022; \$7.50 per dwelling unit for collection once per week, every week for 2023, to be charged to account no. B8160174/50457.

HIGHWAY / PARKS / POLICE

RESOLUTION TO APPROVE / LEND ASSISTANCE / 2019 PEARL RIVER MEMORIAL DAY PARADE / CENTRAL AVENUE TO SOUTH MAIN STREET / MAY 27

18. **RESOLVED**, upon the recommendation from the Superintendent of Highways, Director of Parks & Recreation & Chief of Police, that the Town Board hereby authorizes the above departments to lend assistance which includes the use of barricades, from the Highway Dept., the Parks Dept., will unlock the flag pole, and the Police Dept., will bag the parking meters, for the PR Memorial Day Parade to be held on Monday, May 27, 2019, from 9:45 am - 11:45 am.

PARKS AND RECREATION

RESOLUTION TO APPROVE / LEND AID / DENNIS P. McHUGH FOUNDATION RUN FOR FUN / PIERMONT / SATURDAY, JUNE 1

19. **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 porta-john units (4 regular, 2 ADA compliant) for The Dennis P. McHugh Foundation on Saturday, June 1, 2019 for their 15th Annual Run for Fun and Family Fair

RESOLUTION TO ACCEPT VOLUNTEER EFFORTS OF GIRL SCOUTS / GIRL SCOUT SILVER AWARD / WILLIAM O. SCHAFER. NATURE TRAIL

20. **RESOLVED**, that the Town Board hereby accepts with gratitude the volunteer efforts of: Megan Carolan, Charlotte Hanchar, Reilly Johnson and Ailish MacDonnell to clean up and make improvements to the W.O.S. Nature Trail.

RESOLUTION TO APPROVE CONTRACT / ATHLETIC COURT CRACK REPAIR / SPORT-TECH ACRYLICS CORP, BREWSTER, NY

21. **RESOLVED**, upon the recommendation of the Superintendent of Parks and Recreation the Town Board hereby approves the agreement with Sport-Tech Acrylics Corp of Brewster NY for crack repair at various Town athletic courts in an amount not to exceed \$50,000.00.

PERSONNEL

**RESOLUTION TO ACCEPT THE
DETERMINATION OF SUPERINTENDENT
OF HIGHWAYS / TERMINATE EMPLOYEE
NO. 3489 / EFFECTIVE APRIL 5, 2019**

22. **WHEREAS**, Employee No. 3489 suffered a work related injury on April 19, 2016, and has been unable to perform the duties of his position for the Town of Orangetown for a period in excess of one year by reason of a disability resulting from an occupational injury, as defined in the New York State Workers' Compensation law; and

WHEREAS, by letter dated February 7, 2019, Employee No 3489 was notified that the Superintendent of Highways, as appointing authority, intended to meet on February 20, 2019, to consider the nature and status of his injury, inviting Employee No. 3489 to appear and to provide medical documentation, testimony or any other information he deemed relevant for the Superintendent to consider prior to terminating full pay pursuant to Article 10 of the Collective Bargaining Agreement; and

WHEREAS, on February 20, 2019, the Superintendent of Highways did meet with Employee No. 3489, at which time the Employee was unable to say when or if he would be able to return to work, the Superintendent of Highways determined to terminate full pay during the period of his leave, effective March 12, 2019; and

WHEREAS, by letter dated March 13, 2019, the Superintendent of Highways notified Employee No. 3489 of his decision to terminate full pay and that, due to his continuous absence from work since March 17, 2018, he would be reviewing the matter further to decide whether to terminate his employment in accordance with Civil Service Law §71; and

WHEREAS, the Superintendent offered Employee No. 3489 the opportunity to present additional documentation prior to making his decision, whereby Employee No. 3489 submitted additional documentation which indicated that he expects to undergo surgery and another six months of physical therapy, and which time the Superintendent of Highways determined to terminate Employee No. 3489 pursuant to Civil Service Law §71;

NOW THEREFORE, BE IT RESOLVED, that the Town Board accepts the determination of the Superintendent of Highways to terminate Employee No. 3489 from employment with the Town of Orangetown, effective April 5, 2019, pursuant to §71 of the Civil Service Law, subject to reinstatement rights provided for therein and provided further that this determination will not alter or affect any benefit to which the employee is entitled under the provisions of the New York State Workers' Compensation laws.

AUDIT

**PAY
VOUCHERS**

23. **RESOLVED**, upon the recommendation of the Finance Director, Jeff Bencik, the Finance Office is hereby authorized to pay vouchers for a total amount of two (2) warrants for a total of \$1,611,693.73.

ADJOURNMENTS

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

24. **RESOLVED**, at ____ pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of:

- Francis Farrelly, *Resident of Pearl River*

- Loretta Riordan, *Former Employee of the Town of Orangetown's Receiver of Taxes office*