

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

This meeting was opened at 7:47 p.m. Supervisor Day presided and Rosanna Sfraga, Town Clerk, called the roll. Present were:

Councilman Denis Troy
Councilman Thomas Diviny
Councilman Paul Valentine
Councilman Gerald Bottari
Supervisor Christopher Day

Also present:

Amanda Hyland, Supervisor's Confidential Assistant
Rosanna Sfraga, Town Clerk
Joseph Thomassen, Deputy Clerk
Robert Magrino, Town Attorney
Teresa Kenny, Deputy Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Jane Slavin, Director of OBZPAE
Eamon Reilly, Commissioner of DEME
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.
Donna Morrison, Human Resource Coordinator
Anthony Bevelacqua, Director of Automated Systems
Matthew Lenihan, Computer Network Specialist

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

ANNOUNCEMENTS :

- Public Hearing: TBM, March 12, 2019, 8:05 pm – Watercourse Diversion Permit / 60 Fisher Ave, Pearl River
- Paper Shredding Event: Saturday, April 13th from 8:00 am – 12 noon; Orangetown Town Hall Parking Lot. Please bring non-perishable food donations for local pantries.
- Pearl River St. Patrick's Day Parade, March 17, 2019 at 1:30 pm.

PRESENTATIONS:

- Proclamation for Black History Month – Dr. Frances Pratt, President of Nyack NAACP presented Certificate to Honoree April Cobb.
- Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association for fiscal year ended 12/31/2017 was presented to Jeff Bencik, Finance Director.

DISCUSSION:

The Town Board discussed all of the items on the agenda.

RESOLUTION NO. 81

OPEN PUBLIC COMMENT PORTION

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

RESOLVED, that the public portion is hereby opened.

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

Noes: None

Summary of Public Comments: There were no comments from the public.

RESOLUTION NO. 82

CLOSE PUBLIC COMMENT PORTION

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

RESOLVED, that the public portion is hereby closed.

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

RESOLUTION NO. 83

**OPEN PH / PROPOSED LOCAL LAW
CHAPTER 24 "PARKING MUNICIPAL
LOTS" / CHAPTER 26 "PARKING
METERS"**

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

RESOLVED, that the public hearing is hereby opened.

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

Rosanna Sfraga, Town Clerk, presented the Affidavit of Publication and the Notice of Posting (Exhibit 02-A-19).

Summary of Public Comments: There were no comments from the public.

RESOLUTION NO. 84

**CLOSE PH/ PROPOSED LOCAL LAW
RE: CHAPTER 24 "PARKING
MUNICIPAL LOTS" / CHAPTER 26
"PARKING METERS"**

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

RESOLVED, that the public hearing is hereby closed.

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

RESOLUTION NO. 85

**LEAD AGENCY/ SEQRA
DETERMINATION/ PROPOSED
LOCAL LAW / AMENDING CHAPTER
24 "PARKING MUNICIPAL LOTS" &
CHAPTER 26 "PARKING METERS"**

Councilman Diviny offered the following resolution, which was seconded by Councilman Troy 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, amending Chapters 24 and 26 of the Town Code, entitled "Lots, Municipal" and "Parking Meters"; and further determines that such action is a Type II action pursuant to SEQRA, that the action will not have a significant adverse environmental impact, and, therefore, no further action is necessary with respect thereto under the State Environmental Quality Review Act.

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

RESOLUTION NO. 86

**ADOPT LOCAL LAW NO. 1 OF 2019,
AMENDING CHAPTER 24 "PARKING
MUNICIPAL LOTS" & CHAPTER 26
"PARKING METERS"**

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

WHEREAS, the Town Board has reviewed the current Town Code with respect to its parking regulations and determined that amendments to the Code are necessary to ensure understandable standards and guidelines for the benefit of the public and enforcement of said Code, including standards that have been determined to meet constitutional requirements, and

WHEREAS, the Town Board, after consultation with relevant departments, including OBZPAE, Police, and Town Attorney, has developed proposed amendments to the Code that are consistent with standards that have been found to be constitutional and which the Town Board finds would be in the best interests of the public so as to have an understandable and enforceable set of standards with respect to parking, and

WHEREAS, the Planning Board and the Zoning Board of Appeals reviewed the proposed Local Law and offered no comment with respect thereto, and

WHEREAS, a public hearing being had thereon,

NOW THEREFORE BE IT RESOLVED, the Town Board hereby adopts proposed Local Law No. 1 of 2019, amending Chapter 24 of the Town Code, entitled "Lots, Municipal" and eliminating Chapter 26 of the Town Code, entitled "Parking Meters", to provide for update and clarifications with respect to parking, as that term is defined in the Town of Orangetown.

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

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

**LOCAL LAW NO. 1 OF 2019
TOWN OF ORANGETOWN
AMEND CHAPTER 24 AND 26 OF THE TOWN CODE
ENTITLED "LOTS, MUNICIPAL" AND "PARKING METERS" RESPECTIVELY**

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

As amended, Chapter 24- entitled "Parking Lots, Municipal" originally adopted by the Town Board on 10-16-1994 by LL No. 2-1964 and thereafter amended 5-10-2011 by LL No. 6-2011 and Chapter 26 entitled "Parking Meters" originally adopted by the Town Board on 1-23-2006 by LL No. 3-2006 are hereby amended as follows:

1. **Section 1.** Chapter 24 is hereby renamed as follows: "Parking Lots, Municipal" to "Parking Lots & Meters"

Chapter 24 Parking Lots & Meters

Article I. Parking Lots, Municipal

§ 24-1 Permit parking in municipal parking lots.

- A. The Town shall permit use of its Town parking lots for parking of motor vehicles located in the downtown Pearl River area

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- B. The municipal parking lots to which this section shall apply are the following Town-owned lots: Parking Lot No. 1, located between East Washington Avenue and East Central Avenue; Parking Lot No. 2, located on the south side of William Street, south of Franklin Avenue; Parking Lot No. 3, located on the corner of East Washington Avenue and North William Street.
- C. A twenty-four/seven permit is a parking permit which allows for resident parking 24 hours per day, seven days per week, in certain designated spots within a Town parking lot. The hours, location and fees for said twenty-four/seven parking permit shall be designated pursuant to resolution of the Town Board. An overnight parking permit is a parking permit which allows for resident parking in a parking space within a Town parking lot, designated pursuant to resolution of the Town Board for off-street overnight parking for people who reside in the downtown Pearl River area as defined herein. Said permit shall be issued on an annual or seasonal basis. The hours and fees for said overnight parking permit shall be designated pursuant to resolution of the Town Board.
- E. A municipal parking permit is a parking permit which allows parking in a space within a Town parking lot for off-street parking. Said permit shall be available to purchase for either a one-year period or for a six-month period, however all permits shall expire as stated in Section 24-1 L(7) . The hours, duration and fees for said municipal parking permit shall be designated pursuant to resolution of the Town Board.
- F. A merchant parking permit is a parking permit which allows merchants to park in a designated metered “merchant space” within a Town parking lot. The holder of said merchant parking permit shall pay the appropriate meter fees while parked in said lot. The hours and fees for said merchant parking permit shall be designated pursuant to resolution of the Town Board.
- G. Designation of spaces for use by holders of a twenty-four/seven permit, overnight parking permit (whether annual or seasonal permit), municipal parking permit and/or merchant permit holders shall be made pursuant to resolution of the Town Board.
- H. Twenty-four/seven parking permits, overnight parking permits, municipal parking permits and merchant parking permits are to be issued by the Town Clerk on the basis of the criteria set forth herein.
- I. The Town Board, by separate resolution shall designate locations, hours of operation and fees.
- J. The twenty-four/seven parking and overnight parking permits shall be obtainable and made available to residents of the Town of Orangetown who reside primarily in a residence located in downtown Pearl River, and merchant parking permits shall be obtainable and made available to any owner or lessee of any real property used for commercial and/or business purposes located in downtown Pearl River, that being any real property (residence or business) located on and between the following streets: North Henry Street from its intersection with East Washington Avenue south to South Henry Street where it meets South Middletown Road; Franklin Avenue from its intersection with Henry Street west to South William Street; South William Street south to its intersection with Jefferson Avenue; Jefferson Street west to its intersection with NYS Route 304 (Pearl Street); NYS Route 304 (Pearl Street) north to its intersection with Washington Avenue; Washington Avenue from its intersection with Route 304 (Pearl Street) east to its terminus at Middletown Road. Every individual applying for one of these permits must submit proof that he/she is an individual so eligible to receive such a permit. Said proof shall consist of an original of any two of the following documents, or such other documentation acceptable to the Town Clerk.
 - (1) A deed to real property located within boundaries set forth herein.
 - (2) A current lease to any real property located within the boundaries set forth herein.
 - (3) A current driver's license setting forth the residence within the boundaries set forth herein.

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- (4) A current motor vehicle registration certificate setting forth a residence within the boundaries set forth herein.
 - (5) A voter's registration card setting forth a residence within the boundaries set forth herein.
 - (6) A current utility bill setting forth a residence within the boundaries set forth herein.
 - (7) A signed, notarized letter from the owner or lessee of any real property located within the boundaries set forth herein certifying that the individual applying for such permit is an agent, servant and/or employee of such owner or lessee, along with one of the above [Subsection J(1) through (6)] for such owner.
- K. The municipal parking permit shall be made available to residents of the Town of Orangetown. If space permits, residents of the County of Rockland may also be issued such permits.
- L. Additional parking fee rules, requirements and responsibilities are:
- (1) Applications must be filled out completely and accurately.
 - (2) A copy of the current vehicle registration, a valid New York State driver's license and proof of existing automobile liability insurance shall be required at the time of issuance of the permit.
 - (3) You must notify the Town Clerk and the Superintendent of Highways immediately of any changes with respect to residency/ownership.
 - (4) Stickers may not be transferred to another vehicle.
 - (5) Every permit holder must provide for his or her own snow and ice removal, as needed.
 - (6) Replacement permits will be issued only if original permit sticker is removed and returned. In no event, however, will permit refunds be issued.
 - (7) Each permit shall expire on December 31st of each year, except for the seasonal overnight parking permit, which will run in accordance with Section 39-3 of the Town Code, subject to renewal and/or reapplication with proof of continued residence (or merchant employment verification) and payment of appropriate annual fees to the Town Clerk as set by the Town Board.
 - (8) All vehicles receiving permits pursuant to this section and parked in the municipal parking lots must be currently registered, insured, have proper inspection certificates and be in operable condition.
 - (9) The parking of commercial vehicles in the municipal lots is prohibited.
 - (10) Parking in municipal parking lots shall be for personal parking use only and not for storage of vehicles. Permits are not transferable.
 - (11) Holders of twenty-four/seven permits may be required to remove their vehicles from a particular parking spot, upon 48 hours' notice from the Town, for regular site maintenance and/or snow removal. Each such permit holder shall provide at least two forms of contact information (e.g., telephone number, e-mail address, postal address, third-party telephone number, etc.) on his or her application. Any vehicle not removed upon delivery of notice by the Town will be considered illegally parked and result in removal of the vehicle from the lot pursuant to the provisions of § **24-3C** of this chapter.
- M. The term "individual," as used herein, means a natural person.
- N. The holder of any permit issued under this chapter acknowledges and expressly agrees that parking in any downtown municipal parking lot is at the permit holder's risk, and the permit

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holder further agrees to hold the Town of Orangetown and its Highway Department harmless for any claim of harm or damage to the permit holder's vehicle resulting from parking in said municipal lot.

- O. Alternative procedure; money in lieu of parking spaces: Where the Planning Board and/or Town Board, depending upon which board has jurisdiction over a particular site development plan or permit for a project located within the CS Zoning District in downtown Pearl River, after consultation with the Superintendent of Highways, deems that said plan does not allot the requisite number of parking spaces as required by the Orangetown Zoning Code, the Planning Board and/or Town Board, as the case may be, may modify or waive the requirement for such parking spaces, provided that the applicant deposit with the Town, prior to the signing of the site plan by the Clerk of the Boards or other designated individual, or if no site plan is required, prior to the issuance of any building permits, a cash payment in lieu of parking spaces. Such deposit shall be placed in a special fund, and each such deposit shall be separately identified to show the name and location of the site development plan for which the deposit was made. Such deposit shall be used by the Town for the maintenance, repair and upkeep of the municipal lots, the development of future parking, the rehabilitation or improvement of existing parking and/or any other parking needs within the boundaries set forth herein. The Planning Board and/or Town Board shall determine the amount to be deposited based on the formula established by resolution of the Town Board. Notwithstanding the foregoing, residents must still pay the appropriate permit fee in order to obtain a twenty-four/seven or overnight parking permit pursuant to this chapter.
- P. Nothing in this chapter shall be construed so as to guaranty any resident a parking permit or any permit holder a particular parking spot or the availability of a parking spot at any given time.

§ 24-2 Metered parking in municipal lots.

It shall be unlawful for any vehicle to be parked in Pearl River Municipal Parking Lot No. 1, No. 2 or No. 3 or any other off-street municipal parking lot in Pearl River, except in compliance with the terms and provisions of this chapter.

- A. Metered areas. In all metered portions of the Pearl River municipal parking lots, no vehicle shall be parked without payment of the parking meters installed therein. Rates and hours shall be set by Town Board resolution.
- B. Meters in the Pearl River municipal lots shall be in operation between the hours of 6:00 a.m. and 6:00 p.m., Monday through Saturday; Sundays and holidays are excepted.
- C. Holders of permits for municipal, overnight and twenty-four/seven parking do not have to pay for parking at metered spots designated as available for parking by such permit holders. Merchant parking permit holders must pay the meters as directed.
- D. No parking is permitted in nonmetered parking spots in Pearl River municipal parking lots, except by appropriate permit.

§ 24-3 Penalties for offenses.

- A. For all parking violations within Pearl River Municipal Lot Nos. 1, 2 and 3 or any other off-street municipal parking lot located in Pearl River, including violations regarding permit and/or metered parking, the registered owner of a vehicle who incurs a first violation within a one-year period shall be assessed a fine of \$15; a registered owner of a vehicle who incurs a second violation within a one-year period shall be assessed a fine of \$25; and a registered owner of a vehicle who incurs a third, or more, violation within a one-year period shall be assessed a fine of \$50 per violation. However, for each registered owner of a vehicle ticketed for a lot meter violation, he/she must complete one full year without being convicted of a lot parking meter violation before his/her fine status shall revert to "first violation within a one-year period" status. For convenience, the aforesaid fine schedule is set forth in Table 1 below.

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- (1) For all Pearl River municipal lot violations, the following fine schedule is applicable to the registered owner of the vehicle:

TABLE 1

Number of Violations (per year)	Fine (per violation)
One	\$15
Two	\$25
Three or more	\$50

- (2) Fines revert to the beginning of the schedule only after one full year with no violations.

B. A violation of any provision of this chapter shall constitute an offense against this chapter.

C. Except as otherwise authorized by valid permit issued pursuant to this chapter, in the event that any automobile, motorcycle or other vehicle has been left illegally parked in any metered or other parking space in violation of the provisions of this chapter for a period of five continuous hours, or if the vehicle has five or more unpaid parking violations against it, then the vehicle shall be and is hereby declared to be a public nuisance. In any case where a vehicle is declared a public nuisance, the Town may have such vehicle removed from that metered or other parking space at the expense of the registered owner thereof and tow such vehicle to a designated lot or yard, or the Town may have a boot attached to the vehicle's wheel(s). Any vehicle that has been removed from a metered or other parking space pursuant to this section shall be released to the registered owner thereof upon payment by the registered owner of the fines and other costs and expenses levied against such vehicle, including towing and storage costs.

Section 2.

Chapter 26 is hereby re-numbered in its entirety and added to become a part of Chapter 24, with all other additions underlined and deletions stricken.

Article II. Parking Meters

§ 24-4 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BATTERY ELECTRIC VEHICLE

Any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's battery(ies) and produces zero tailpipe emissions or pollution when stationary or operating.

CHARGING

When an electric vehicle is connected to electric vehicle supply equipment (or standard outlet) for the purpose of recharging motive batteries on board the electric vehicle.

ELECTRIC VEHICLE

Any motor vehicle that is registered with New York State Department of Motor Vehicles (DMV) and is authorized to operate on public and private highways, roads and streets, and operates, either partially or exclusively, on electrical energy from the grid, or an off-board source that is stored on board for motive purpose. "Electric vehicle" includes:

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- A. A battery electric vehicle;
- B. A plug-in hybrid electric vehicle;
- C. A neighborhood electric vehicle; and
- D. A medium-speed electric vehicle.

ELECTRIC VEHICLE CHARGING STATION - PUBLIC USE

An area that is publicly owned and publicly available (e.g., parking spaces on a public street or municipal parking lot), that is served by electric vehicle supply equipment or battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

ELECTRIC VEHICLE PARKING SPACE

Any marked parking space that is equipped with an electric vehicle charging station.

MEDIUM-SPEED ELECTRIC VEHICLE

A self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crushproof body design, whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 CFR 571.500.

NEIGHBORHOOD ELECTRIC VEHICLE

A self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour and conforms to federal regulations set forth in 49 CFR 571.500.

PARKING-METER ZONES

Such highways or parts of highways in the Town of Orangetown where, pursuant to this or any other ordinance of the Town, parking meters are installed, operated, maintained, policed and supervised and where the payment of a fee for the privilege of parking where such meters are in operation is fixed and required.

PLUG-IN HYBRID ELECTRIC VEHICLE (PHEV)

An electric vehicle that:

- A. Contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor;
- B. Charges its battery primarily by connecting to the grid or other off-board electrical source;
- C. May additionally be able to sustain battery charge using an on-board internal combustion-driven generator; and
- D. Has electricity-powered travel capability.

VEHICLE, PARK, PARKING AND PARKED

Shall have the meanings as defined in the Vehicle and Traffic Law of the State of New York.

§ 24-5 Meter zones, hours and time limits.

- A. In the parts of the highways in the Town of Orangetown described in § 26-13 of this chapter and established as parking zones, and in said zones and in such other parking meter zones as hereafter may be created by ordinance of the Town of Orangetown, parking meters shall be installed, operated, maintained, policed and supervised.
- B. Cost of parking at said meters shall be set pursuant to resolution of the Town Board

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- C. Each parking meter shall have a ten-minute grace period after the expiration of the designated allowable parking time before indicating meter expiration.
- D. Appropriate signs shall be placed in prominent locations to direct individuals to municipal parking and extended parking and overnight parking zones.
- F. All parking zones shall be enforced at times to be set pursuant to resolution of the Town Board.
- G. Irrespective of any fee, charge, fine, amount, limitation on time, day and location of meter heretofore provided herein, the Town Board, by duly adopted resolution, may promulgate or provide for such other fee, charge, fine, amount, limitation or time, day or location of meter as it in its discretion shall deem necessary and proper to further the purposes of this chapter for the parking areas heretofore provided or for such other parking areas as may hereafter be designated.

§ 24-6 Installation and maintenance.

- A. The Town Board is hereby authorized to have parking meters installed in such parking meter zones as are created by this chapter or shall be created by any other ordinance of the Town of Orangetown. Such parking meters shall be placed upon or at the curb alongside of or next to individual parking places to be designated as hereinafter provided. Each said parking meter shall be so set as to show or display a signal that the parking space alongside of the same is or is not in use.
- B. The Chief of Police of the Town of Orangetown shall provide for the operation, maintenance, policing and supervision of such parking meters and shall see that the meters are kept in good working order and condition. Each parking meter shall be so set as to display a signal showing legal parking upon the deposit of the appropriate monies or a valid meter time-card (to be available for purchase) for the appropriate designated time period. Each meter shall by its device clearly set out and continue operation from the time of depositing such coins until the expiration of the parking limit. Each meter shall also be arranged that 10 minutes after the expiration of said parking limit it will indicate that the lawful parking period as fixed by this chapter or any other ordinance of the Town of Orangetown has expired.
- C. At the sole discretion of the Town Board, a parking enforcement manager shall oversee the maintenance of all meters and parking equipment, as well as all collection and enforcement issues with respect to the Pearl River Parking Plan; he/she shall perform said duties for the Town of Orangetown for 20 hours per week, or additional or less time as mandated by the Town Board at its discretion.
- D. At the sole discretion of the Town Board, two enforcement agents shall assist the aforesaid manager with all maintenance, collection and/or enforcement issues with respect to the Pearl River Parking Plan; they shall each perform said duties for the Town of Orangetown for 20 hours per week, or additional or less time as mandated by the Town Board at its discretion.

§ 24-7 Spaces designated.

- A. The Town Board shall have lines or markings painted or placed upon the curb and/or upon the street adjacent to each parking meter for the purpose of designating the parking space for which said meter is to be used, and each vehicle parking adjacent to or next to a parking meter shall park within the lines or markings so established. It shall be unlawful and a violation of this chapter to park any vehicle across any such line or marking, or to park said vehicle in such a position that the same shall not be entirely within the area so designated by such lines or markings.
- B. All parking spaces shall be so marked that no vehicle shall be parked on any state highway other than parallel to the curb, and so that no vehicle shall be required to park in violation of the Vehicle and Traffic Law.

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- C. Certain parking zones (i.e., on Franklin Street and William Street and in the municipal lot on North William Street) shall be designated as "Merchant and Extended Parking Zones" and shall be so marked by yellow meters.
- D. Certain parking zones shall be designated as "Handicapped Parking Zones" and shall be so marked by blue meters.
- E. Certain parking zones shall be designated as "15 Minute Parking Zones" and shall be so marked by red meters (these meters will require payment of \$0.25 per fifteen-minute period).
- F. Certain parking zones shall be designated as "Thirty Minute Parking Zones" and shall be so marked by green meters (these meters will require payment of \$0.25 per thirty-minute period).
- G. Certain parking spaces on public streets or in Town-owned municipal parking lots shall be designated as electric vehicle parking spaces by the Town. The Town Board shall establish and may amend the fees, limitations of time and occupancy for the use of the electric vehicle parking spaces and electric vehicle charging stations - public use by Town Board resolution. Notwithstanding anything to the contrary contained within this chapter regarding parking meters, fees shall be based upon kilowatt-hours per charge, plus an applicable surcharge, in addition to a fee for the use of the parking space as determined by the Town Board.]

§ 24-8 Vehicle position at meter.

When a parking space in a parking meter zone is parallel with the adjacent curb or sidewalk, any vehicle parked in such parking space shall be parked with the foremost part of such vehicle nearest to such meter.

§ 24-9 Legal parking.

When a vehicle shall be parked in any space adjacent to which a parking meter is located, in accordance with the provisions of this chapter, the operator of said vehicle shall, upon entering the parking space, immediately deposit or cause to be deposited the required United States coins and/or meter time-card in such parking meter, and put such meter in operation, and failure to deposit such coin or coins or meter time-card and put the meter in operation shall constitute a breach of this chapter and shall subject such person to the penalty prescribed in § 26-15 hereof. Upon the deposit of such coin, or coins, or meter time-card, and placing said meter in operation, the parking space may be lawfully occupied by such vehicle during the period of parking time which has been prescribed for the part of the street in which said parking space is located. If said vehicle shall remain parked in any such parking space beyond the parking time limit fixed for such space, the meter shall by its dial and pointer indicate such illegal parking, and, in that event, such vehicle shall be considered as parked overtime and beyond the period of legal parking time, and the parking of a vehicle overtime or beyond the period of legal parking time in any such part of a street where any such meter is located shall be a violation of this chapter punishable as hereinafter set forth.

§ 24-10 Overtime parking.

It shall be unlawful and a violation of the provisions of this chapter for any person to cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for any parking meter zone as herein described, as designated for all particular parking zones.

§ 24-11 Signal indicating illegal use of space.

It shall be unlawful and a violation of the provisions of this chapter for any person to permit any vehicle to remain or be placed in any parking space adjacent to any parking meter while said meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period of time prescribed for such parking space.

§ 24-12 Record made by police officer.

It shall be the duty of each patrolman, or such other officer as shall be so instructed by the Chief

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of Police in his beat or district, to take the number of any meter at which any vehicle is parked overtime, as defined in this chapter, and the state vehicle tag number of such vehicle and report the same to the Police Department and make complaint for any violation in the Justice Court of said Town.

§ 24-13 Coin substitutes prohibited.

It shall be unlawful and an offense to deposit or cause to be deposited in any parking meter any slug, device or substitute for any coin of the United States.

§ 24-14 Tampering with meters.

It shall be unlawful and an offense for any unauthorized person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this chapter or under any ordinance of the Town of Orangetown.

§ 24-15 Use of revenue derived from meter use.

The money required to be deposited as provided herein shall be deposited to the Town's Pearl River Parking Fund to cover the cost of supervision, installation, operation, maintenance, pavement markings, pavement maintenance, trash removal and landscaping, of parking meters and municipal lots in Pearl River, and the enforcement of the provisions of this chapter.

§ 24-16 Parking meter zones designated.

The following described parts of streets in the Town of Orangetown are hereby established as parking meter zones.

- A. Both sides of East Central Avenue from the intersection of John Street to New York State Route 304.
- B. Both sides of North and South Main Street from the intersection of North Main Street and East Washington Avenue south to the southern-most end of the properties located at 41 South Main Street (on the west side of Main) and 70 South Main Street (on the east side of Main).
- C. Both sides of William Street from the intersection of William Street and East Washington Avenue south to the intersection of William Street and Franklin Avenue.
- D. Both sides of Franklin Avenue from South Main Street to William Street.
- E. The island north of the U.S. Post Office property.
- F. South Railroad Avenue from West Central Avenue south to the U.S. Post Office property.
- G. Such other parking meter zones as may be hereafter created by ordinances of the Town of Orangetown.

§ 24-17 Repeal of inconsistent ordinances.

Any ordinance heretofore adopted by the Town of Orangetown inconsistent with any of the terms and provisions of this chapter is hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency, and in all respects this chapter shall be cumulative of other ordinances heretofore or hereafter adopted by the Town Board regulating and governing the subject matter covered by this chapter.

§ 24-18 Violations and penalties; removal of illegally parked vehicles.

- A. For all on-street meter violations, a registered owner of a vehicle who incurs a first violation within a one-year period shall be assessed a fine of \$12; a registered owner of a vehicle who incurs a second violation within a one-year period shall be assessed a fine of \$15; and a registered owner of a vehicle who incurs a third, or more, violation within a one-year period shall be assessed a fine of \$25 per violation. However, for each registered owner of a vehicle ticketed for an on-street meter violation, he/she must complete one full year without being convicted of an on-street parking meter violation before his/her fine status shall revert to "first violation within a one-year period" status.

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[By way of example, if a registered owner of a vehicle incurs a non-street meter violation on March 1, 2006, his fine shall be \$12; if he incurs a second violation on November 1, 2006, his fine shall be \$15; if he incurs a third violation on October 1, 2007, his fine shall be \$25; if he incurs a fourth violation on September 1, 2008, his fine shall remain \$25; if he incurs a fifth violation on December 1, 2009 (more than one year after the most recent fine), the fine shall revert to \$12.] For convenience, the aforesaid fine schedule is set forth in Table 1 below:

TABLE 1

For all on-street meter violations, the following fine schedule is applicable to the registered owner of the vehicle:

No. of Lot	Meter Violations Per Year	Fine per Violation
	One	\$12
	Two	\$15
	Three or more	\$25

Fines revert to the beginning of the schedule ONLY after one full year with no violations.

- B. A violation of any provision of this chapter shall constitute an offense against the Parking Meter Ordinance of the Town of Orangetown.
- C. Removal of illegally parked vehicles. Except as otherwise authorized by valid permit issued pursuant to this chapter, in the event that any automobile, motorcycle or other vehicle has been left illegally parked in any metered or other parking space in violation of the provisions of this chapter, for a period in excess of five continuous hours, or if the vehicle is parked between the hours of 4:00 a.m. and 7:00 a.m. in violation of posted restrictions, or if the vehicle has five or more unpaid parking violations against it, then the vehicle shall be and is hereby declared to be a public nuisance. In any case where a vehicle is declared a public nuisance, the Town may have such vehicle removed from that metered or other parking space at the expense of the registered owner thereof and tow such vehicle to a designated lot or yard, or the Town may have a boot attached to the vehicle's wheel(s). Any vehicle that has been removed from a metered or other parking space pursuant to this section shall be released to the registered owner thereof upon payment by the registered owner of the fines and other costs and expenses levied against such vehicle, including towing and storage costs.
- D. In addition to any other penalties set forth in this chapter, vehicles parked in an electric vehicle parking space in violation of this section or as posted with signage installed in accordance with the fees, limitations of time and occupancy established in accordance with this section may be towed. Any costs associated with towing and storage of a vehicle that is towed pursuant to this section shall be at the vehicle owner's expense.

Section 3

Chapter 26 is hereby repealed and deleted in its entirety.

LOCAL LAW NO. 1 OF 2019 - Continued

Section 4. Severability Clause

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

Section 5. Effective Date.

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

RESOLUTION NO. 87

APPOINT / REAPPOINT SUBSTANCE ABUSE COMMITTEE / 1YEAR TERM

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

RESOLVED, that the following are hereby appointed/reappointed as Members of the Substance Abuse Committee, for a 1 Year term, commencing on January 1, 2019 and expires on December 31, 2019:

- | | | | |
|--------------------|--------------------|--------------------------|---------------|
| J. Robert Coleman | Michael Murphy | Joanne Goodman | |
| Sgt. Joe Sullivan | Chief Kevin Nulty | Jennifer Amos | |
| Wayne Roimisher | Despina Vougioukas | Capt. Donald Butterworth | |
| Norma Canals | Jean Horan | Ron Garcia | |
| Stephanie Finucane | Jean Robert Zephir | Lisa Leote | Morgan Strand |

Councilman Denis Troy, Liaison

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

RESOLUTION NO. 88

ACCEPT / RESIGNATION / CHRIS BRAUER / MEMBER / BLUE HILL GOLF COMMITTEE

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

RESOLVED, accept with regret, the resignation of CHRIS BRAUER from the Blue Hill Golf Course Committee, effective January 31, 2019, after 20 years of service.

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

RESOLUTION NO. 89

APPOINT PATRICK SHIELDS / BLUE HILL GOLF COURSE COMMITTEE

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

RESOLVED, that upon the recommendation of the Town Board, appoint PATRICK SHIELDS, Member, of the Blue Hill Golf Course Committee, for a 1 year term, effective January 31, 2019 - December 31, 2019,

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

RESOLUTION NO. 90

APPOINT / STEPHEN MUNNO / OFFICE OF EMERGENCY MANAGEMENT COMMITTEE

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

RESOLVED, that STEPHEN MUNNO IS hereby appointed as member of the Orangetown Office of Emergency Management Committee, for a 1 •year term, commencing on January 1, 2019 and expires on December 31, 2019.

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

RESOLUTION NO. 91

APPOINT / ANTHONY LIMANDRI TRAFFIC ADVISORY BOARD

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

RESOLVED, that ANTHONY LIMANDRI is hereby appointed as a member of the Orangetown Traffic Advisory Board, for a 1 •year term, commencing on January 1, 2019 and expires on December 31, 2019.

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

RESOLUTION NO. 92

ACCEPT RESIGNATION / JO URBAN SENIOR ADVISORY / CHAIRPERSON

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

RESOLVED, accept with regret the resignation of JOSEPHINE URBAN from the Senior Citizens Advisory Committee, as Senior Leader, effective February 12, 2019.

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

RESOLUTION NO. 93

APPOINT / REAPPOINT SENIOR ADVISORY COMMITTEE

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

RESOLVED, that upon the recommendation of the Town Board, appoint the following to the Senior Citizen Committee for a 1 Year term, commencing on January 1, 2019 and expiring on December 31, 2019:

Catherine (Lovey) Albanese, *Senior Leader* Viola Silverman - *Trip Coordinator*
Members: Addy Ducey Marie Hoffman Marilyn Grosbeck Barbara Delo
 Tom Williger Helen Kovarik

Natalie Schutter, *Clerk*
Councilman Denis Troy, *Liaison*

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

RESOLUTION NO. 94

ACCEPT RESIGNATION / PETER DUDA / AIR QUALITY REVIEW COMMITTEE

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

RESOLVED, accept with regret, the resignation of PETER DUDA from the Air Quality Review Committee for 2019.

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

RESOLUTION NO. 95

AUTHORIZE / AMENDMENT TO BUDGET LINE/ TREE PLANTINGS & SHADE TREE CONTRACTS

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

RESOLVED, that the Town Board hereby authorizes the Director of Finance, Jeffrey Bencik, to amend the following budget line from \$10,000.00 to \$30,000.00: B.8560.457.17, SHADE TREES.CONTRACTS W/OUTSIDE VENDORS.OTHER THAN POLICE. This \$20,000.00 increase will be re-allocated from the fund balance in the B-Fund.

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

RESOLUTION NO. 96

MEMORIALIZING RESOLUTION PAULA BOHOVESKY / NYS PAROLE BOARD / OPPOSING RELEASE OF RICHARD LABARBERA & ROBERT MCCAIN

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

WHEREAS, the Town of Orangetown wishes to express its continuing condolences to, and support for, the family of Paula Bohovesky, who was brutally raped and murdered thirty-nine years ago as Paula's family asks the New York State Parole Board not to release her killers; and

WHEREAS, in 1980, Paula Bohovesky was a talented artist, an aspiring actress and a well-regarded member of the junior class at Pearl River High School; and

WHEREAS, tragically, this young woman, burgeon with energy and a zest for life, was tragically and senselessly murdered just two blocks from her home; and

WHEREAS, the two young men who committed this heinous crime after a day spent drinking in a local bar received the maximum penalty for murder then allowed in New York State, twenty-five years to life in prison; and

WHEREAS, these men are now seeking parole and release from prison, having served the minimum sentence – twenty-five years; and

WHEREAS, Paula's family and friends, as well as those living in Orangetown at the time, can still recall the horror of that day; and

WHEREAS, Paula's mother, Lois Bohovesky, must now relive that day as she fights to keep Paula's killers in jail by asking the Parole Board not to authorize the men's release, a task

RESOLUTION NO. 96 - Continued

that she will have to often undertake because State Law allows inmates seeking parole to reapply every two years; and

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

RESOLVED, that the Town Board of Orangetown wishes to express its continuing condolences to and support for the family of Paula Bohovesky, who was brutally raped and murdered thirty-three years ago as Paula’s family asks the New York State Parole Board not to release her killers; and be it further

RESOLVED, the Town Clerk is hereby authorized and directed to send a certified copy of this resolution to Ms. Lois Bohovesky; and to such other persons proper in order to effectuate the purpose of this resolution including the offices of:

NYS Governor Mario Cuomo
NYS Assemblywoman Ellen C. Jaffee

NYS Senator David Carlucci

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

RESOLUTION NO. 97

**ACCEPT PROPOSAL AGREEMENT
MASER CONSULTING / DRAFT
TOWN ZONING REGULATIONS**

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

WHEREAS, the Town Board previously authorized a Pearl River Downtown Revitalization Study which was conducted by the Land Use Law Center (LULC) of Pace University Law School, and

WHEREAS, on the basis of said study, the Town Board is interested in considering amending the Town Zoning Code to establish a Transit Oriented Development Zone and/or Mixed Use Development in down town Pearl River, and

WHEREAS, such an undertaking requires the assistance of professional planners and land use experts and the Town has considered quotes from land use professionals in this area, and

WHEREAS, Maser Consulting, P.A. offers planning and design experts who have extensive experience providing similar work to municipalities in the metropolitan area and has developed mixed use and TOD zoning for numerous municipalities and have prepared guidelines specific to streetscape and building façade treatments,

NOW THEREFORE BE IT RESOLVED, the Town Board hereby agrees to accept the proposal from Maser Consulting, P.A. dated February 25, 2019 to provide professional services to develop zoning regulations and design standards related to mixed use and Transit Oriented Development (TOD) for an area around the train station located in the hamlet of Pearl River, at a cost of \$30,000.00, with authorization to spend up to an additional \$5,000.00 for additional services as set forth in the proposal, and

BE IT FURTHER RESOLVED, that the Supervisor or his designee is hereby authorized to enter into a formal written agreement with Maser Consulting, P.A., based upon the terms and conditions set forth above, and subject to approval of the Town Attorney’s Office, and to sign any documents necessary to effectuate said agreement.

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

RESOLUTION NO. 98

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

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

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

1. Town Board minutes: January 8, 2019 Re-Organizational Meeting; and January 15 & 29, 2019 Regular Town Board Meeting.
2. Memorandum of Agreement with the Rockland County PBA, for 2016 – 2022.
3. Palisades Free Library 2019 Agreement, Board Resolution, Liability Insurance, Bylaws and Borrowing Fees.
4. Orangeburg Library 2019 Agreement, Board Minutes, Liability Insurance, Bylaws and Borrowing Fees.
5. Agreement: Goldkap Consulting Group, LLC for Efficiency Procedures/Policies.
6. Lease Extension Agreement with Orangetown Volunteer Emergency Service Coalition Inc. (OVESC) for properties and houses located at Chief Bill Harris Way.
7. Stormwater Maintenance Agreement with U.S. Information Systems for property located at 25 Ramland Rd., Orangeburg.
8. License, Hold Harmless and Indemnification Agreement with Ryerson Farms LLC for property located at 6 Ryerson Place, Tappan.
9. Restrictive Covenant with HNA Training Center, for property located at 334 Route 9W, Palisades.
10. Stormwater Maintenance Agreement with Aida Rohland for properties located at 401-407 Western Hwy, 397 Western Hwy and 413 Western Hwy, Tappan.
11. Extension Agreement with Appliedgolf, LLC for Blue Hill Golf Course (BHGC).
12. Amendment No. 2 to Lease Agreement with T-Mobile USA for tower on town property located at 127 Route 303, Orangeburg.

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

RESOLUTION NO. 99

**ACCEPT / RECEIVE / FILE SANITARY
SEWER EASEMENT / PARSEGHIAN
SITE PLAN**

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

RESOLVED, that upon recommendation of the Department of Environmental Management and Engineering (DEME) and the Town Attorney's Office, the sanitary sewer easement from the owners of the premises for the Parseghian Site Plan project, Planning Board Decision No. 15-28, is hereby accepted and received; and

BE IT FURTHER RESOLVED, that the Supervisor or his designee is hereby authorized to execute all documents necessary to effectuate the acceptance and filing of the easement with the Rockland County Clerk; and

BE IT FURTHER RESOLVED, that upon filing with the Rockland County Clerk's office, the original document be filed and maintained in the Town Clerk's office.

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

RESOLUTION NO. 100

**2019 CERTIFICATE OF SEWER
REGISTRATION**

Councilman Bottari offered the following resolution, which was seconded by Councilman Valentine 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 2019 Sewer Work is approved to:

American Minutemen Sewer & Drain, Inc., 307 South Main Street, New City, NY 10956
Hauser Brothers, Inc., 17 Old Schoolhouse Lane, Orangeburg, NY 10962
Innovative Excavating LTD, 15 Conklin Drive, Stony Point, NY 10980

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

Noes: None

RESOLUTION NO. 101

**PURCHASE / WESTLAW
SUBSCRIPTION AGREEMENT / WEST
PUBLISHING CORP. / LEGAL
RESEARCH TOOL**

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

RESOLVED, upon recommendation of the Town Attorney, the Town Board authorizes the execution of a purchase order and agreement with West Publishing Corp, dba West, a Thomson Reuters corporation, to provide legal research services, known as Westlaw, for the Town Attorney's Office, for three years, starting at a cost of \$2,493.10 per month with yearly increases of 3%, based upon New York State Office of General Services Contract Award # 23044, Contract # PC67676, to be funded through budget line A.1420.445 entitled Books and Publications, and the Town Board hereby authorizes the Supervisor or his designated representative to execute any documents necessary to effectuate said purchase order and agreement.

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

Noes: None

RESOLUTION NO. 102

**EXTEND / LICENSE AGREEMENT /
USE OF THE TOWN OF RAMAPO
FIRING RANGE**

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

RESOLVED, that upon the recommendation of the Town Attorney, the Town Board hereby extends the License Agreement for calendar year 2019 with the Town of Ramapo Police Firing Range, at "NO COST" to the Town of Orangetown subject to provision of insurance and indemnification as in the past years.

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

Noes: None

RESOLUTION NO. 103

**ACCEPT / RECEIVE / FILE
DRAINAGE EASEMENT / GRIFFIN
SITE PLAN**

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

RESOLUTION NO. 103 – Continued

RESOLVED, that upon recommendation of the Department of Environmental Management and Engineering (DEME) and the Town Attorney’s Office, the drainage easement from the owners of the premises relating to the Griffin Site Plan (Kreiger Lot #2) project, Planning Board Decision No. 18-51, is hereby accepted and received; and

BE IT FURTHER RESOLVED, that the Supervisor or his designee is hereby authorized to execute all documents necessary to effectuate the acceptance and filing of the easement with the Rockland County Clerk; and

BE IT FURTHER RESOLVED, that upon filing with the Rockland County Clerk’s office, the original document be filed and maintained in the Town Clerk’s office.

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

Noes: None

RESOLUTION NO. 104

**GRANT PERMISSION / FINANCE
DEPT. / GFOA CONFERENCE 2019
ATTENDANCE / ALBANY, NY**

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

RESOLVED, that permission is granted to Orangetown employees: Janice Ganley, Supervisor of Fiscal Services Ganley, Natalie Schutter, Stephanie Tassello and Jeff Bencik, to attend the 40th NYS Government Finance Officers' Association, Inc. / Annual Conference in Albany, NY, March 2019, at a cost of \$4,401.00 for lodging, membership, conference fees and travel expenses, charged to Account Nos. A.1310.480 (\$2,231.00) and A.1310.441 (\$2,170.00).

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

Noes: None

RESOLUTION NO. 105

DECLARE SURPLUS VEHICLES

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

RESOLVED, that upon the recommendation of the Chief of Police, the Town Board hereby declares the following vehicles are to be declared as surplus:

- a. 1FTYR11U08PA04925 2008 Ford Ranger White 150,800 Exceeds mileage and serviceable life / Transmission
- b. 2B5WB35Y6YK175912 2000 Dodge 15 Pass. Van Black 17,150 Exceeds serviceable life / Body rust
- c. 1FAHP2MK6GG136761 2016 Ford Taurus B/W 17,150 Totaled in MVA - save or auction for parts only
- d. 1FAHP2MK9FG109245 2015 Ford Taurus B/W 100,450 Exceeds 95,000 mileage replacement / Transmission
- e. 1FAHP2MK7EG165005 2014 Ford Taurus B/W 101,500 Exceeds 95,000 mileage replacement / Transmission
- f. 1FM5K8AR4FGA35471 2015 Ford Explorer B/W 103,000 Exceeds 95,000 mileage replacement / Transmission
- g. 1FM5K8AR8EGB96436 2014 Ford Explorer B/W 103,150 Exceeds 95,000 mileage replacement / Transmission
- h. 1FTYR14EX1PA25484 2001 Ford Ranger Black 75,450 Exceeds serviceable life / Body rust / Cracked bed

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

Noes: None

RESOLUTION NO. 106

**APPROVE FINAL SETTLEMENT
ALLSTATE INSURANCE COMPANY,
AS SUBROGEE OF FREDDY CHALCO,
IN NYS SUPREME COURT,
ROCKLAND COUNTY (INDEX
#034557/2017)**

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

RESOLVED, that the Town Board hereby approves a final settlement, in the amount of two thousand five hundred dollars (\$2,500.00), to fully resolve the civil litigation/lawsuit filed against the Town on September 20, 2017, by Allstate Insurance Company as Subrogee of Freddy Chalco, in NYS Supreme Court, Rockland County (Index #034557/2017), arising out of a two-car motor vehicle accident/collision that occurred on December 18, 2016, involving a Town Police patrol car, which lawsuit seeks recovery of monetary damages against the Town in the claimed sum of \$11,607.65; and the Town Board authorizes the Town Attorney's Office to execute all relevant documents to effectuate the settlement.

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

RESOLUTION NO. 107

**APPROVE / 2019 TAPPAN ZEE HIGH
SCHOOL 8th ANNUAL 5K RUN/WALK**

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

RESOLVED, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes the Town of Orangetown Highway & Police departments to lend assistance which includes the use of barricades from the Highway Department & (5) Auxiliary Police Officers from the Police Department, for the Tappan Zee High School 8th Annual 5K Run/Walk to be held on Saturday, March 16, 2019, from 9am to 10am.

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

RESOLUTION NO. 108

**APPROVE / 2019 HIGHWAY
DEPARTMENT OPEN HOUSE**

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

RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby authorizes the Town of Orangetown Highway Department to host their 23rd Annual Open House on Saturday, May 18, 2019, from 10 am to 12 pm, to be held at the Highway Department Facility, located at 119 Route 303, Orangeburg, NY.

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

RESOLUTION NO. 109

**AWARD BID / ONE (1) NEW SIDEWALK
SNOW PLOW WITH ACCESSORIES
FORTBRAND SERVICES**

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

RESOLUTION NO. 109 - Continued

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for one new sidewalk snow plow with accessories (wing plow), which were received and publicly opened on January 24, 2019; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 02-B-19, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, upon the recommendation from the Superintendent of Highways, the bid for one (1) new sidewalk snow plow with accessories is hereby awarded to Fortbrand Services, Plainview, NY, the lowest qualified bidder, in the amount of \$157,335.00, to be charged to Account # H.5130.200.06.

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

RESOLUTION NO. 110

**APPROVE / GRANT DISBURSEMENT
AGREEMENT / STATE AND
MUNICIPAL FACILITIES PROGRAM
PROJECT ID #7166 / REPLACEMENT
OF THE OAK TREE ROAD BRIDGE**

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

WHEREAS, the Town of Orangetown has been selected to receive a New York State, State and Municipal Facilities Program Funding in the amount of \$500,000.00 for Project #7166 for the Replacement of the Oak Tree Road Bridge;

WHEREAS, the project for which the grant will be utilized is flood mitigation for the Sparkill Creek;

WHEREAS, in order to receive the grant, the Town must approve and execute the Grant Disbursement Agreement;

WHEREAS, Jim Dean, the Superintendent of Highways, and the Town Attorney's Office recommend approval of the agreement;

WHEREAS, the Town Supervisor and Superintendent of Highways have executed the State and Municipal Facilities Program Project #7166 Dual Grantee Certification Form for the designation of Authorized Officers of the Town of Orangetown;

NOW BE IT RESOLVED, that the Town Board approves the New York State and Municipal Facilities Program Grant Disbursement Agreement and authorizes Chris Day, Supervisor and/or James J. Dean, Superintendent of Highways to execute two (2) original versions of the Agreement.

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

RESOLUTION NO. 111

**AID / 2019 PEARL RIVER ST.
PATRICK'S DAY PARADE**

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

RESOLVED, upon the recommendation from the Superintendent of Highways, Parks & Chief of Police, that the Town Board hereby authorizes the Town of Orangetown Highway, Parks & Police Departments to lend assistance which includes the use of barricades, trash barrels, message board & painting of the green stripe from the Highway Dept., the showmobile at a rental cost of \$400.00 and twenty two (22) port-o-sans for which the cost is to be shared with

RESOLUTION NO. 111 – Continued

organization (Ancient Order of Hibernians) from the Parks Dept., & police detail from OPD, for the St. Patrick's Day parade to be held on Sunday, March 17, 2019, from 11 am - 5 pm.

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

RESOLUTION NO. 112

**AID / 2019 ST. DOMINIC'S CONVENT
5K NUN RUN/WALK**

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

RESOLVED, upon the recommendation from the Superintendent of Highways & Parks and Chief of Police, that the Town Board hereby authorizes that these three departments lend assistance which includes the use of barricades from the Highway Dept., use of the Rail Trail from the Parks Dept., and police detail from OPD, for the 5K Nun Run/Walk to be held on Saturday, May 18, 2019, from 8:30 am - 11:30 am.

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

RESOLUTION NO. 113

**AWARD BID / BLUE HILL GOLF
COURSE POND RENOVATION / DLG
CONTRACTING**

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

WHEREAS, the Superintendent of Parks and Recreation duly advertised for sealed bids for the Blue Hill Golf Course Pond Renovation project, which were received and publicly opened on February 6, 2019; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 02-C-19, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, upon the recommendation of the Superintendent of Parks and Recreation this bid is hereby awarded DLG Contracting, Mount Vernon, NY in the amount of \$88,500.00, the lowest qualified bidder.

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

RESOLUTION NO. 114

**ACCEPT DONATION / IMPROVEMENTS
PIERMONT HISTORICAL SOCIETY
SPARKILL ENTRANCE OF ERIE PATH**

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

RESOLVED, that Town Board hereby accepts with gratitude the donation of informational signage and general site improvements to the Sparkill entrance of the Erie Path located at the intersection of Highland Ave. and Piermont Ave./Orangeburg Rd. by the Piermont Historical Society.

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

RESOLUTION NO. 115

APPOINT SHAWN HARRIS / JUSTICE SECURITY ATTENDANT (PT)

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

RESOLVED, upon the recommendation of the Town Justices and the Court Clerk, appoint Shawn Harris to the position of Justice Security Attendant (PT), at a salary of \$20.00 per hour, effective February 27, 2019.

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

RESOLUTION NO. 116

APPOINT SAMUIL MILSHTEIN (PT) JUSTICE SECURITY ATTENDANT

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

RESOLVED, upon the recommendation of the Town Justices and the Court Clerk, appoint Samuil Milshtein to the position of Justice Security Attendant (PT), at a salary of \$20.00 per hour, effective February 27, 2019.

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

RESOLUTION NO. 117

APPOINT ANDRICE SAINCLAIR (PT) JUSTICE SECURITY ATTENDANT

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

RESOLVED, upon the recommendation of the Town Justices and the Court Clerk, appoint Andrice Sainclair to the position of Justice Security Attendant (PT), at a salary of \$20.00 per hour, effective February 27, 2019.

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

RESOLUTION NO. 118

APPOINT / MICHAEL WEBER / CHIEF PLANT OPERATOR & DEPUTY COMMISSIONER OF DEME

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

RESOLVED, that upon the recommendation of the Commissioner of DEME, the Town Board hereby appoints MICHAEL WEBER to assume the duties of DEPUTY COMMISSIONER, with the intent of filling in the for the Commissioner when needed. The new duties along with his current position as Chief Operator will be compensated at the salary of \$165,495.

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

RESOLUTION NO. 119

**AUTHORIZE / GHD ENGINEERS
AMENDMENT NO.1 / TOTAL
RESIDUAL CHLORINE REDUCTION
AGREEMENT / DESIGN PLANS AND
SPECIFICATIONS / IMPROVEMENTS
SODIUM HYPOCHLORITE
DISINFECTION SYSTEM**

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

WHEREAS, the Total Residual Chlorine Reduction contract bids were significantly below the estimated budget, allowing the availability of funding to improve the 10 year old chlorine delivery process; and

WHEREAS, this work is related and interconnected to the dechlorination improvements currently underway in the original agreement; and

WHEREAS, GHD Engineers provided Amendment No.1 to this agreement to prepare design plans and specifications regarding improvements to the existing sodium hypochlorite disinfection system for \$26,000.00.

NOW THEREFORE, BE IT RESOLVED, the First Amendment to the December 20, 2017, Agreement, as amended, between the Town of Orangetown and GHD Engineers is hereby approved and further authorizes the Supervisor to sign said amendment.

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

Noes: None

RESOLUTION NO. 120

**AUTHORIZE /WEST LAW GROUP,
LLC / DEME / LEGAL MATTERS RE:
NYSDEC, WHITE PLAINS, NY
NEWLY IMPOSED EFFLUENT
LIMITS RE: TOWN SPDES PERMIT**

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

WHEREAS, the Town has been addressing the newly imposed NYSDEC effluent permit limits with respect to the Town owned and operated Waste Water Treatment Plant (WWTP) located in Orangeburg, NY, and

WHEREAS, the County of Rockland, Sewer District #1, at its WWTP, also located in Orangeburg, NY and which shares a common outfall pipe with the Town WWTP, has been informed that it also will be subject to a new SPDES permit with effluent limits similar to those proposed for the Town of Orangetown, and

WHEREAS, since the Town facility and the County facility share a common outfall, the Town Board, pursuant to Resolution 2018-329 authorized the Town to participated in a proposal from GHD Consulting Services, Inc. (GHD) to provide engineering services for Consolidation and/or Shared Services, including an evaluation of the newly required effluent limits for both the Town and County facilities, and

WHEREAS, as part of the Town's due diligence in addressing the NYSDEC SPDES permit, DEME has recommended and the Town has determined that certain actions may be warranted for which specialized advice and counsel is needed, and

WHEREAS, the Town has consulted with West Law Group, PLLC, a law firm with attorneys who are uniquely experienced and specialize in matters involving the NYS DEC in terms of SPDES permit limits and compliance,

RESOLUTION NO. 120 - Continued

NOW THEREFORE BE IT RESOLVED, that the Town Board, upon review and recommendation of DEME and the Town Attorney, hereby retains the law firm of West Law Group, LLC as Special Counsel for the limited purpose of advising the Town and taking action as authorized, on issues related to the NYS DEC SPDES Permit, in particular with respect to the new effluent limit requirements and related issues, and

BE IT FURTHER RESOLVED, that this retention shall employ Special Counsel at the hourly rate of \$255 with all legal fees, costs and disbursements not to exceed \$10,000 for the scope of the aforementioned legal services, and

BE IT FURTHER RESOLVED, that the Supervisor or his designee is authorized to execute a retainer agreement with West Law Group, LLC in accordance with the terms of this resolution.

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

RESOLUTION NO. 121

**APPOINT / PHILIP AMMIRATI
MAINTENANCE MECHANIC
ELECTRICIAN (SEWERS) / DEME**

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

RESOLVED, that upon recommendation of the Commissioner of DEME, the Town Board hereby appoints PHILIP AMMIRATI to the position of MAINTENANCE MECHANIC ELECTRICIAN (SEWERS) CSEA Grade 17 Step 1 at a salary of \$77,861.00 (probationary).

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

RESOLUTION NO. 122

RECLASSIFY ACCOUNTANT I

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

RESOLVED, that upon the recommendation of Rockland County Personnel, reclassify the position of Accountant I in the Finance Office to Accountant II, Grade 16. (This position has been graded after a Labor-Management meeting.)

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

RESOLUTION NO. 123

**APPOINT NATALIE SCHUTTER
ACCOUNTANT II**

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

RESOLVED, that upon the recommendation of the Director of Finance, appoint Natalie Schutter to the position of Accountant II in the Finance Office, Grade 16, Step 6, at a salary of \$93,372.00, effective February 27, 2019.

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

RESOLUTION NO. 124

PAY VOUCHERS

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

RESOLVED, upon the recommendation of the Finance Director, Jeff Bencik, the Finance Office is hereby authorized to pay vouchers for a total amount of three (3) warrants for a total of \$12,642,188.52.

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

RESOLUTION NO. 125

**ENTER EXECUTIVE SESSION
PERSONNEL & LEGAL MATTERS
LAND SALE**

In attendance, at this Executive Session, were Supervisor Day, Councilpersons Troy, Diviny, Valentine, and Bottari, Robert Magrino, Teresa Kenny and Jeff Bencik.

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

RESOLVED, at 9:08 p.m. the Town Board entered Executive Session to discuss particular legal and personnel matters and a particular land sale.

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

RESOLUTION NO. 126

**RE-ENTER RTBM / ADJOURNED
MEMORY**

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

RESOLVED, at 9:45 pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of Sharon Freyne (Hamilton), Resident of Pearl River; Honorable Terrence Patrick Ryan, Former Resident of Pearl River and Suffern and Village Justice of Suffern from 1970 – 1982; NYPD Detective Brian Simonsen, 19-Year Veteran of the force, killed by friendly fire during a robbery in Queens, NY, February 12th; Lt. Richard S. Peterson, Pearl River and Gaetane Giordano, Blauvelt.

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

Rosanna Sfraga, Town Clerk