

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, SEPTEMBER 13, 2016**

This Regular Town Board Meeting was opened at 7:30 p.m. Supervisor Stewart presided and Charlotte Madigan, Town Clerk, called the roll. Present were:

Councilman Denis Troy
Councilman Thomas Diviny
Councilman Paul Valentine
Councilman Gerald Bottari
Supervisor Andrew Stewart

Also present: Charlotte Madigan, Town Clerk
John Edwards, Town Attorney
Teresa M. Kenny, Deputy Town Attorney
Robert Magrino, Deputy Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Joseph Moran, Commissioner of DEME
Guy DiVincenzo, DEME
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.

Pledge of Allegiance to the Flag of the United States of America was led by Carol Silverstein.

Announcements:

September 17, 2016 Orangetown Police Department Open House 11 AM-2 PM
September 20, 2016 Workshop – Blauvelt Fire Company 2017 Budget Presentation
September 27, 2016 RTBM at 8:00 P.M. - Open Public Hearing Amending Town Zoning Code, relating to New Car Dealership Service and Repair Facilities in non-residential zones within the Route 303 Overlay Zoning District (Res. #396)
October 22, 2016 - Document Shredding - Open to the public from 8:00 A.M. – Noon. The event will be held in the parking lot of Town Hall, 26 W. Orangeburg Road, Orangeburg, NY (Charlotte Madigan, Town Clerk)

GHD Consulting Engineers gave a presentation of their Orangetown Sewer Operational Efficiency Study and made some improvement recommendations.

Blauvelt, Orangeburg and Palisades Libraries presented their 2017 Budgets.

Summary of Public Comments:

Ruth Weber, Upper Grandview Association - spoke regarding the dangers and destruction that the Mountain Bikers will do to Clauseland Mountain Park, Tackamack Park and Blauvelt Park.
Heather Hurley, Pearl River – supports the Land Use Board meetings moving to Town Hall.
Heather Hurley, Pearl River, Tanya Witek Tappan; Tina Adino, Orangeburg; Kristin Hanley, Blauvelt; Liz Dudley, Orangeburg; Allyson Sullivan, Blauvelt; Carol Silverstein, Orangeburg; Mary McHugh, S. Orangetown; and Barry Seitles, Orangeburg: Residents have been complaining about Aluf Plastic but this problem has been ongoing for the past 10 years. Aluf Plastics violations are unacceptable. The burning of plastic odors has increased; there are also perfume odors and concerns that water wells might be contaminated. Residents cannot enjoy the outdoors in this area for fear of health issues. What kind of testing will be done, water and soil? Will testing be done inside the stacks or just along the fence line?
Sr. Dorothy Maxwell, Orangetown – God made the Heaven and Earth. She is concerned about the quality of air, the earth and natural treasures. The graphics have changed with the approval of oil trains, Indian Point, and pipelines.
Esta Baitler, Sparkill, shared that a Rodeo is coming to Town and Camp Venture is one of the beneficiaries. She asked all to support this new and exciting event.
Mike Mandel, Pearl River and Planning Board member, supports televising of all Land Use Boards meetings at the Greenbush facility. If more than \$15,000 is needed for testing at Aluf Plastics it should be approved.

Dimitri Laddis, Piermont, explained that the Mountain Bikers need use of the Town Park trails, which will help them to get to the main trail on State land.

Gary Abbate, Pearl River, spoke about the dark and dangerous intersection at the entrance to The Hollows. He is very happy that the Town Board will approve the installation of a streetlight.

Carol Silverstein, Orangeburg, requested a Public Hearing regarding the Mountain Bike trail. How will the Town’s resources and budget be impacted?

Barbara Delo, Blauvelt, asked if there is more that can be done to prioritize our spending. Senior Citizens need lower taxes and other resources to ensure that they can remain in their homes.

Robert Dell, Planning Board member, agrees with the Land Use Boards meetings moving to Town Hall and being televised. Orangetown should lead the way in transparency.

Nick Lasser, Nyack, loves Mountain Biking, nature and the outdoors. He is in favor of access to the Mountain Bikers and they will preserve the outdoors.

Don Simmons, Blauvelt, enjoys Mountain Biking. There is no racing or rallies. This organization cleans up garbage that is left by others. Nature needs to be kept for all to enjoy.

RESOLUTION NO. 422

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

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

RESOLUTION NO. 423

**PH/CONTINUE/ AMENDING
CHAPTER 43/USE AND BULK FOR
CHURCHES AND SCHOOLS**

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

RESOLVED, that the public hearing, from September 13, 2016, on a proposed local law, amending Chapter 43 of the Town Code relating to Use and Bulk for Churches and Schools, is hereby continued. (Proposed Local Law – Exhibit 09-A-16)

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

Summary of Public Comments:

Robert Magrino, Deputy Town Attorney – the Code does not contain a definition or address the applicability of the code to schools of religious instruction. This amendment will give clarity.

Mike Mandel, Pearl River – School of General Instruction does not cover all schools and Schools of Religious Instruction should be added.

RESOLUTION NO. 424

**PH/CONTINUE/AMENDING
CHAPTER 43/USE AND BULK FOR
CHURCHES AND SCHOOLS**

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

RESOLVED, that the public hearing on a proposed local law, amending Chapter 43 of the Town Code relating to Use and Bulk for Churches and Schools, is hereby continued on September 27, 2016, 8:10 pm.

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

RESOLUTION NO. 425

OPEN PH/CHAPTER 43 § 2.2/CHANGE ZONING MAP AND ZONING DISTRICT/ 227 MANOR BLVD., PEARL RIVER, NY FROM “CO” TO “R-15” (69.09-1-37)

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

RESOLVED, that the public hearing on a proposed local law, amending Chapter 43, § 2.2, establishing the Town Zoning Map, to change the zoning district of a parcel of property located at 227 Manor Blvd., Pearl River, NY from “CO” to “R-15” is hereby opened .

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

Charlotte Madigan, Town Clerk, presented the Affidavit of Publication and Notice of Posting; copies are labeled Exhibit 09-B-16 and made a part of these minutes.

Summary of Public Comments:

Heather Hurley, Pearl River – asked what is allowed to be built on this parcel.

RESOLUTION NO. 426

CLOSE PH /CHAPTER 43 § 2.2 CHANGE ZONING MAP AND ZONING DISTRICT/ 227 MANOR BLVD., PEARL RIVER, NY FROM “CO” TO “R-15” (69.09-1-37)

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

RESOLVED, that the public hearing on a proposed local law, amending Chapter 43, § 2.2, establishing the Town Zoning Map, to change the zoning district of a parcel of property located at 227 Manor Blvd., Pearl River, NY from “CO” to “R-15” , is hereby closed.

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

RESOLUTION NO. 427

ADOPT/LEAD AGENCY / NEGATIVE DECLARATION CHANGE ZONING MAP AND ZONING DISTRICT/ 227 MANOR BLVD., PEARL RIVER, NY FROM “CO” TO “R-15” (69.09-1-37)

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

WHEREAS, the Town Board has considered the adoption of a Local Law, amending Chapter 43, § 2.2, of the Town Code, establishing the Town Zoning Map, to change the zoning classification of premises located at 227 Manor Blvd., Pearl River, New York, (Tax Map designation 69.09-1-37), from “CO” (Commercial-Office) to “R-15” (Medium Density-Residence); and

WHEREAS, on or about July 20, 2016, the Town Board, pursuant to resolution duly adopted on July 19, 2016, circulated amongst various potential interested agencies notice of its intention to assume Lead Agency status for the purpose of the environmental review of the above referenced action; and

RESOLUTION NO. 427 - Continued

WHEREAS, being the only Involved Agency, the Town Board hereby assumes the role of Lead Agency for environmental review; and

WHEREAS, acting in its capacity as Lead Agency for environmental review, and after taking a “hard look” at all of the potential environmental impacts that might result from the proposed action, the Town Board has concluded that there will be no significant environmental impact or effect caused or occasioned by the proposed change in the zoning classification of the subject parcel,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the Negative Declaration (Exhibit 09-C-16), and authorizes the Town Supervisor or his designated agent to execute the Environmental Assessment Form and to take such other and further steps as may be necessary to discharge the Town Board’s responsibilities as Lead Agency.

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

Noes: None

RESOLUTION NO. 428

**ADOPT/LOCAL LAW NO. 7 OF 2016
CHANGE ZONING MAP AND
ZONING DISTRICT/ 227 MANOR
BLVD., PEARL RIVER, NY FROM
“CO” TO “R-15” (69.09-1-37)**

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

WHEREAS, the Town Board of the Town of Orangetown (the “Town Board”) is the duly elected legislative body of the Town, authorized to adopt zoning text amendments to the Town’s Zoning Law; and

WHEREAS, the Town Board has considered the adoption of a Local Law, amending Chapter 43, § 2.2, of the Town Code, establishing the Town Zoning Map, to change the zoning classification of premises located at 227 Manor Blvd., Pearl River, New York, (Tax Map designation 69.09-1-37), from “CO” (Commercial-Office) to “R-15” (Medium Density-Residence); and

WHEREAS, after notice duly given, and there being no other involved agency, by resolution duly adopted this 13th day of September 2016, the Town Board assumed the role of Lead Agency for environmental review; and

WHEREAS, by resolution duly adopted of even date herewith, but prior to the adoption of this resolution, the Town Board, acting in its capacity as Lead Agency for environmental review, concluded that there will be no significant environmental impact or effect caused or occasioned by the proposed change in the Town’s Zoning Law; and

WHEREAS, following due notice, a public hearing was conducted on the proposed zone change amendment; and

WHEREAS, the Board has concluded that the proposed zone change which simply changes the zoning classification of a single tax lot, already developed with a residential structure, and used for a residential purpose, to that of the immediately adjacent “R-15” zoning district is consistent with the Town’s Master Plan, and otherwise is in the best interests of the Town and the owner of the affected parcel, who has requested the change of zoning classification; and

WHEREAS, the Town Planning Board, pursuant to Town Code Chapter 43, § 10.5, and the County Planning Department, pursuant to General Municipal Law §§ 239 L & M, have each reviewed the proposed law; and

RESOLUTION NO. 428 - Continued

WHEREAS, the County Planning Department, by letter dated August 15, 2016, has remanded the matter for local determination, concluding that the proposed zone change “will have no adverse impacts on any County-wide interests”; and

WHEREAS, the Town Planning Board, by Memorandum dated July 29, 2016, has recommended the proposed law, but “only if the area residents are in agreement with the requested zone change”,

NOW, THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, AND THE FINDINGS MADE HEREIN, BE IT RESOLVED, that the Town Board hereby adopts the within Local Law, amending the Town Zoning Law, and the Town Zoning Map made a part of the Town Code at Chapter 43, § 2.2., and changes the zoning classification of the referenced parcel to “R-15” Medium Density Residence.

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

Noes: None

**TOWN OF ORANGETOWN
LOCAL LAW NO. 7 OF 2016
AMENDING CHAPTER 43, § 2.2, OF THE ZONING LAW OF THE TOWN OF
ORANGETOWN TO CHANGE THE ZONING DISTRICT OF A CERTAIN PARCEL IN
THE HAMLET OF PEARL RIVER FROM “CO” TO “R-15”**

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

Section 1: The Zoning Map of the Town of Orangetown, which establishes the areas and boundaries of the various Town zoning districts, is hereby amended to change the zoning district of the following property:

227 Manor Boulevard, Pearl River (Tax Map Designation 69.09-1-37) from the “CO” (Commercial-Office) zoning district to the “R-15” (Medium Density Residence) zoning district;

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

RESOLUTION NO. 429

**SET PH/PROPOSED LOCAL LAW
AMENDING CHAPTER 39/VEHICLES
AND TRAFFIC**

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

RESOLVED, that the Town Board hereby sets a public hearing for a proposed Local Law amending Chapter 39, entitled Vehicles and Traffic, of the Town Code of the Town of Orangetown, for October 18, 2016 at 8:00 P.M.

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

Noes: None

RESOLUTION NO. 430

**STATE GRANT – BRIDGE NY GRANT
ROUTE 303 CULVERT/ \$350,000**

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

WHEREAS, the deteriorated condition and the undersizing of the culvert located at 400 NYS Route 303 in Orangeburg, which carries the Sparkill Creek, causes flooding of the Sparkill

RESOLUTION NO. 430 - Continued

Creek onto Route 303 in the vicinity of Mountainview Avenue constitutes a longstanding safety problem impacting traffic, infrastructure and property, and contributes to pollutant load in the Sparkill Creek, a NYSDEC Priority Waterbody;

WHEREAS, engineering studies commissioned by the Town have determined that a determining factor in the flooding in this area of Orangeburg along Route 303 is the undersized and deteriorated culvert at 400 Route 303;

WHEREAS, the area of Orangeburg impacted by flooding from the Sparkill Creek along Route 303 is heavily trafficked as a major north-south thoroughfare through the town and a connector point to access the Palisades Interstate Parkway and is the site of Dominican College, extensive commercial operations and shopping malls, and Town government, including police , medical emergency and fire services;

WHEREAS, the Town determined that a project to address the problems resulting from the regular flooding due to inadequate and deteriorating drainage in the area should be implemented, and to this end secured funding from the New York State Department of Environmental Protection Estuary Management Grant Program 2015 for Local Stewardship Planning to prepare an engineering design for drainage improvements, including stream clearance; and;

WHEREAS, the Town Board has determined that the project to construct the Route 303 culvert and improve stream flow of the Sparkill Creek in the project area is desirable and in the public interest and should be Implemented; and

WHEREAS, enhanced assistance for local governments to rehabilitate and replace culverts is available to municipalities through the Bridge NY program, with New York State Department Of Transportation providing 100 percent of the project costs up to \$1 million by means of a contract, and the Municipality deems it to be in the public interest and benefit to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY THE ORANGETOWN TOWN BOARD

1. That the Town Supervisor is authorized to act in behalf of the Municipality's governing body in all matters related to State assistance. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;

2. That this Resolution takes effect immediately.

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

Noes: None

RESOLUTION NO. 431

**STATE GRANT/BRIDGE NY GRANT
MOUNTAINVIEW AVE & ROUTE 303
CULVERT REPLACEMENT /TOWN
TO FUND ALL PROJECT COSTS IN
EXCESS OF THE BRIDGE NY GRANT
AWARD**

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

WHEREAS, the Mountainview Culvert in Orangeburg is more than 75 years old, its structure is deteriorating, and it has served past its useful life; and

WHEREAS, the structure is being undermined by flooding of the Sparkill Creek on NYS Route 303 in the vicinity of Mountainview Avenue; and

RESOLUTION NO. 431 - Continued

WHEREAS the condition of the culvert is a longstanding safety problem impacting traffic, infrastructure and property and contributing to loss of business along the Route 303 corridor and the surrounding vicinity; and

WHEREAS, the Town determined that a project to address the problems resulting from the regular flooding, including re-construction of the Mountainview Avenue Culvert at Route 303 and improved stream flow of the Sparkill Creek in the project area is desirable and in the public interest and should be implemented; and

WHEREAS, State assistance is available to municipalities through the Bridge NY program of the New York State Department of Transportation by means of a contract, and the Municipality deems it to be in the public interest and benefit to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY THE ORANGETOWN TOWN BOARD

1. That the Town Supervisor is authorized to act in behalf of the Municipality's governing body in all matters related to State assistance. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;
2. That the Municipality agrees that it will fund its portion of the cost of the Project(inclusive of salaries of Highway Administrative personnel) and those funds will be available to initiate the Project's field work upon contract execution with the Department of Transportation;
3. That this Resolution takes effect immediately.

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

RESOLUTION NO. 432

**GRANT AGREEMENT/NYS
ENVIRONMENTAL FACILITIES
CORPORATION/HOMES FOR HEROS
GREEN INFRASTRUCTURE PROJECT
CWSRF PROJECT NO. C3-5345-08-00
GIGP APPLICATION NO. 1308**

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

WHEREAS, NYS has approved the Orangetown engineering report entitled “Feasibility Study, Green Infrastructure Project, Homes for Heroes Site” dated July 2015, and certified the project as eligible for NYS funding of approximately \$1,000,000 through the NYS Clean Water State Revolving Fund,

RESOLVED, that the Supervisor is authorized to sign Grant Agreement with the NYS Environmental Facilities Corporation (SRF Project No. C3-5345-08-00, GIGP Application No. 1308, commonly referred to as the “Homes for Heroes Green Infrastructure Project”.

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

RESOLUTION NO. 433

**LAND USE BOARDS MEETINGS
LOCATION**

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

RESOLUTION NO. 433 - Continued

WHEREAS, the Town Board has the authority and responsibility to provide best available meeting space for land use boards; and,

WHEREAS, Town Hall meeting room is superior to Greenbush Auditorium on all counts – police protection, parking, lighting, handicap access, audio, video/TV access, quantity of seating, projector and screen, public wi-fi, bathrooms, and vending machines; therefore,

RESOLVED, effective October 1, 2016, and until further notice, the Town Board directs the Building Department to administer Planning Board and Zoning Board meetings at Town Hall, and further directs the appointed members of these boards to appear there, the facilities and IT staff to provide any necessary support, and the TV volunteers to develop a plan with the help of the IT department for ongoing volunteer production of land use board meetings for cable broadcast and YouTube archiving as is currently the practice with town board meetings.

RESOLVED, the Town Board amends the above paragraph to read as follows:

RESOLVED, effective November 1, 2016, and until further notice, the Town Board directs the Building Department to administer Planning Board meetings at Town Hall, and further directs the appointed members of these boards to appear there, the facilities and IT staff to provide any necessary support, and the TV volunteers to develop a plan with the help of the IT department for ongoing volunteer production of land use board meetings for cable broadcast and YouTube archiving as is currently the practice with town board meetings.

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

Noes: None

RESOLUTION NO. 434

**PLANNING BOARDS MEETINGS
CHANGE LOCATION**

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

WHEREAS, the Town Board has the authority and responsibility to provide best available meeting space for land use boards; and,

WHEREAS, Town Hall meeting room is superior to Greenbush Auditorium on all counts – police protection, parking, lighting, handicap access, audio, video/TV access, quantity of seating, projector and screen, public wi-fi, bathrooms, and vending machines; therefore,

RESOLVED, effective November 1, 2016, and until further notice, the Town Board directs the Building Department to administer Planning Board meetings at Town Hall, and further directs the appointed members of these boards to appear there, the facilities and IT staff to provide any necessary support, and the TV volunteers to develop a plan with the help of the IT department for ongoing volunteer production of land use board meetings for cable broadcast and YouTube archiving as is currently the practice with town board meetings.

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

Noes: None

RESOLUTION NO. 435

**THE HOLLOWES STREET LIGHT
PROJECT**

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

WHEREAS, the Home Owners Association of the Hollows at Blue Hill, as well as various individual residents of the Hollows at Blue Hill, have requested that the Town install and maintain a streetlight on Veterans Memorial Drive at the entrance to the Hollows at Blue Hill;

RESOLUTION NO. 435 - Continued

WHEREAS, the proposed location for the streetlight is in a right of way belonging to the County of Rockland;

WHEREAS, the Town Highway Department has coordinated the matter with the County Highway Department;

WHEREAS, the Traffic Advisory Board has reviewed the request, to include holding public hearings and coordinating with the Town Highway Department, Police Department, and Department of Environmental Management and Engineering (DEME), and the Highway Department has coordinated with Orange and Rockland Utilities, Inc. (O&R);

WHEREAS, O&R has proposed the installation of a new fiberglass pole and one 9,365 lumen 100 watt LED streetlight on a 6 foot arm;

WHEREAS, according to the O&R proposal, the cost of the pole and underground facilities installation will be \$11,403.00, and the streetlight will lead to an increase in the Town's streetlight utility payments in the amount of \$248.76 per year, plus fuel and adjustment charges;

WHEREAS, the Town Attorney's Office finds that this resolution is legally sufficient, pending any further coordination that may be required with O&R and the County of Rockland;

WHEREAS, the Traffic Advisory Board, the Town Highway Department, Police Department, and DEME recommend that the Town Board pass this resolution;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares itself to be Lead Agency for environmental review in connection with the proposed action (installation of the street light at the entrance to the Hollows at Blue Hill) and hereby determines that the proposed action is a Type II action exempt from review under SEQRA, in that it involves construction of an accessory/appurtenant, non-residential structure involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and is consistent with local land use controls (17 N.Y.C.R.R. § 617.5 [c] [7]); *provided, however,*

BE IT FURTHER RESOLVED, the Board further finds and determines that if this action were to be subject to review under SEQRA as an unlisted action, it would have no significant adverse environmental impact, in that the project and funding approved will provide safety benefits to the Town without significant environmental impact; accordingly, were the action to be held to be an unlisted action, the Board, acting as lead agency, would adopt a Determination of non-significance;

BE IT FURTHER RESOLVED, that the Town of Orangetown hereby accepts the proposal from Orange and Rockland Utilities, Inc., for street lighting at the following location: At the entrance to the Hollows at Blue Hill on Veterans Memorial Drive, Hamlet of Orangeburg (installation of a new fiberglass pole, one 9,365 lumen 100 watt LED streetlight on a 6 foot arm, and related underground facility);

BE IT FURTHER RESOLVED, that the Town Highway Department and Town Attorney's Office are authorized to continue to coordinate with Orange and Rockland Utilities, Inc., and the County of Rockland in any way necessary to facilitate the installation of said street light;

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to sign any required agreements relating to said streetlight; and

BE IT FURTHER RESOLVED, that payment for the construction of the new fiberglass pole, 9,365 lumen 100 watt LED streetlight on a 6 foot arm, and related underground facility shall be charged to Account #B.5182.452.14.

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

Noes: None

RESOLUTION NO. 436

COMBINE AGENDA ITEMS

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

RESOLVED, that agenda items 15 thru 20 are hereby combined.

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

RESOLUTION NO. 437

**AID/PEARL RIVER CHAMBER OF
COMMERCE/PEARL RIVER DAY**

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

RESOLVED, that the Town Board hereby authorizes the Highway, Parks and Police Departments to lend assistance to the Pearl River Chamber of Commerce which includes, trash cans, barricades, message board & detour signs and upon completion of all necessary paperwork, use of six (four regular units and 2 ADA compliant) port-o-johns, use of Showmobile at a rental cost of \$400.00 with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured, and Police Officers for traffic and pedestrian control for the Pearl River Day Festival on Saturday, October 8th, 2016, 7 am - 9 pm.

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

RESOLUTION NO. 438

**AID/ORANGEBURG FIRE DEPT
ANNUAL HALLOWEEN PARADE**

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

RESOLVED, that the Town Board hereby authorizes the Town of Orangetown Highway, Parks and Police Departments to lend assistance to the Orangeburg Volunteer Fire Department, which includes the use of barricades & trash bins from the Highway Department, port-o-johns from the Parks Department, and auxiliary police from the Police Department, and additional police resources for crowd/traffic/other public safety issues, for the Annual Halloween Parade on Monday, October 31, 2016, from 6:00 P.M. to 9:00 P.M.

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

RESOLUTION NO. 439

**AID/CHARITY FUNDRAISER
BLAUVELT FAMILY FUN MUSIC
FESTIVAL**

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

RESOLVED, that the Town Board hereby authorizes the Town of Orangetown Highway, Parks and Police Departments to lend assistance which includes the use of barricades, trash bins and message board from the Highway Dept., port-o-sans (2 regular units & 1 unit ADA compliant) from the Parks Dept., and Police presence from the Police Dept., for the Blauvelt Family Fun Music Festival on Sunday, September 25th, 2016, from 12:00 pm to 4:00 pm.

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

RESOLUTION NO. 440

**AID/ORANGEBURG FIRE
DEPT/HOLIDAY PARADE**

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

RESOLVED, that the Town Board hereby authorizes the Town of Orangetown Highway, Parks and Police Departments to lend assistance which includes the use of barricades & trash bins from the Highway Dept., port-o-johns from the Parks Dept., and auxiliary police from the Police Department for the Orangeburg Fire Department HOLIDAY PARADE on Saturday, December 10, 2016, from 6pm to 9 pm.

BE IT ALSO RESOLVED, that upon completion of all necessary paperwork the Superintendent of Parks and Recreation has forwarded for approval by the Town Board use of the Showmobile by the Orangeburg Volunteer Fire Association for their HOLIDAY PARADE on Saturday, December 10, 2016 at a rental cost of \$400.00 with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

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

RESOLUTION NO. 441

**AID/ROCKLAND ROAD RUNNERS
ASSOCIATION/ SOUTH NYACK 28TH
ANNUAL 10 MILE RUN**

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

RESOLVED, that the Town Board hereby authorizes the Department of Parks and Recreation to provide eight (8) port-o-sans, to the Rockland Road Runners, for the South Nyack Ten Mile Run, to be held on September 11, 2016, starting at 8:30 A.M.

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

RESOLUTION NO. 442

AID/SOUTH ORANGETOWN DAY

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

RESOLVED, upon completion of all necessary paperwork the Superintendent of Parks and Recreation has forwarded for approval by the Town Board use of the Showmobile by the South Orangetown Day Committee for their SOUTH ORANGETOWN DAY on Saturday, October 15, 2016 at a rental cost of \$400.00 with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured and

BE IT RESOLVED, at the request of the South Orangetown Day Committee, the Superintendent of Parks and Recreation has forwarded for approval by the Town Board use of 3 Units (2 Regular Units & 1 ADA Compliant) Port-o-Johns for SOUTH ORANGETOWN DAY on October 15, 2016.

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

RESOLUTION NO. 443

SURPLUS/HIGHWAY DEPARTMENT

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

RESOLUTION NO. 443 - Continued

RESOLVED, that upon the recommendation of the Superintendent of Highways, approve for surplus the following equipment and materials:

EQUIPMENT

2000 Tarco Windy 400	LW1914A6237L02
2000 Tarco Windy 400	LW1914A6238L02
2002 Tarco Windy 400	LW1914A7564L02
2003 Tarco Windy 400	LW1914A8010L02
1967 Large Trailer	1267712
1967 Long Trailer	617
2000 Chevy 2500 pick-up	1GCGK24R4YF501706
2002 Dodge Ram 3500	3B6MF366X2M318581
1997 Ford F350	1FDKF38F3VEB84440
2005 Sterling Bucket Truck	2FZACGDC85AN60145
2004 Bombardier	900200069
1999 Trackless MT5TD	1481
2007 Freightliner FC-80 Tymco	1FVAB6BV37DX20118
1999 Chevy C7500 Patcher	1GBM7H1C0XJ103917
2000 Chevy C7500	1GBM7H1C0YJ500383
1999 Chevy C7500	1GBM7H1C6XJ103792
2001 Sterling Leach Vac-All	49HAAEBV01HJ25637
1999 Volvo Roll-Off	4VHJCMPPF8XN867434
1987 FWD	1F9AH28R6JCFT1172
1987 FWD	1F9AH28RXJCFT1174

MATERIALS

- 9 pieces 36" X 20' corrugated
- 17 pieces 28" w X 19" h X 20' oblate (1 piece is 12' long)
- 20 pieces 21" w X 14" h X 20' oblate
- 2 pieces 15" X 20' corrugated and perforated
- 11 pieces mixed 8" up to 20" X 20' long corrugated
- Pile of miscellaneous street signs; stop, no turn, no parking, speed limit, directional arrows (estimate of 300 signs)

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

RESOLUTION NO. 444

**AID/ORDER SONS OF ITALY
ITALIAN FEAST**

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

RESOLVED, that the Town Board hereby authorizes the Town of Orangetown Highway and Police Departments and the Office of the Town Clerk to lend assistance which includes the use of cones, barricades, message board, trash cans, plastic fencing and barrels from the Highway Department, and traffic control from the Police Department, and a Commercial Amusement License and Games of Chance License from the Town Clerk for the Italian Feast, which runs from Thursday, September 15, 2016 thru to Sunday, September 18th, 2016.

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

RESOLUTION NO. 445

**APPOINT/GLENN MAIER/ASSISTANT
BUILDING INSPECTOR**

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

RESOLUTION NO. 445 - Continued

RESOLVED, that upon the recommendation of Rockland County Personnel, Glenn Maier is hereby appointed to the position of Assistant Building Inspector, permanent, from EL #16021 (OC), effective September 1, 2016.

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

RESOLUTION NO. 446

**ESTABLISH POSITION/JUSTICE
COURT SECURITY OFFICER
ORANGETOWN JUSTICE COURT**

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

RESOLVED, that upon the recommendation of Rockland County Personnel, the position of Justice Court Security Officer in the Orangetown Justice Court is hereby established. (This position replaces the position of Justice Court Security Attendant (P/T) vacated by retirement in March, 2014).

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

RESOLUTION NO. 447

**APPOINT/SIMEON NAEMIT/JUSTICE
COURT SECURITY OFFICER
ORANGETOWN JUSTICE COURT**

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

RESOLVED, that upon the recommendation of the Town Justices, Simeon Naemit is hereby appointed to the position of Justice Court Security Officer, provisional, in the Orangetown Justice Court, effective 9/14/2016, at a salary of \$20.00 per hour.

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

RESOLUTION NO. 448

**APPOINT/GERALDINA SCHIAVONE
ASSISTANT COURT CLERK
PROVISIONAL**

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

RESOLVED, that upon the recommendation of the Town Justices, Geraldina Schiavone is hereby appointed to the position of Assistant Court Clerk, provisional, Grade 12, Step 1, at a salary of \$57,561.00, effective 9/14/2016.

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

RESOLUTION NO. 449

**KEYBANK/NEW BANKING
DEPOSITORY AMEND RESOLUTION
#4-2016**

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

RESOLVED, that First Niagara Bank will be transitioning to KeyBank as the new designated banking depository for the Town of Orangetown on or about October 8th. 2016.

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

RESOLUTION NO. 450

**AIR QUALITY MONITORING/ALUF
PLASTICS, INC / 2 GLENSHAW
ROAD, ORANGEBURG, NY**

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

RESOLVED, the Supervisor is authorized to contract with Ormantine USA Ltd, Inc. for diffusion tube monitoring for volatile organic compounds air quality monitoring and soil monitoring around the perimeter of the Aluf factory site in Orangetown, NY, at a cost not to exceed \$25,000.

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

RESOLUTION NO. 451

**APPROVE TWO-WEEK EXTENSION
REVOCABLE LICENSE AGREEMENT
ROCKLAND FILMING CAMPUS
TOWN OWNED LANDS/RPC**

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

RESOLVED, the Town Board agrees to a two-week extension of the REVOCABLE LICENSE AGREEMENT BETWEEN THE TOWN OF ORANGETOWN AND ROCKLAND FILMING CAMPUS, LLC, WITH RESPECT TO TOWN OWNED LANDS, FORMERLY A PART OF THE ROCKLAND PSYCHIATRIC CENTER, such that the deadline for submission of a purchase offer is now Friday, September 30, 2016.

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

RESOLUTION NO. 452

**ADOPT SEXUAL ABUSE
PREVENTION POLICY**

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

WHEREAS, the Town of Orangetown recognizes the moral responsibility and importance of preventing sexual abuse on Town property or during Town sponsored events; and

WHEREAS, to aid in the prevention of such abuse on Town property or during Town events, it is important for Town employees to be informed on both how to identify such abuse and the proper notification requirements in the event of such abuse is identified; now therefore, be it

RESOLUTION NO. 452 - Continued

RESOLVED, that, the Town of Orangetown does hereby adopt the following Policy:

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

Noes: None

**TOWN OF ORANGETOWN
SEXUAL ABUSE PREVENTION POLICY**

General Policy Statement

The Town of Orangetown does not permit or allow sexual abuse to occur in the workplace or at any activity sponsored by or related to Orangetown. In order to make this “zero-tolerance” policy clear to all Orangetown staff members, board members and volunteers, the Orangetown Town Board has adopted mandatory procedures that all Orangetown staff members, board members and volunteers must follow when they learn of or witness sexual abuse.

Sexual abuse takes the form of inappropriate sexual contact or interaction for the gratification of the actor who is functioning as a caregiver and is responsible for the person’s or child’s care. Sexual abuse includes sexual assault, exploitation, molestation or injury. It does not include sexual harassment, which is another form of behavior prohibited by the Town.

Possible Signs of Sexual Abuse

There are a number of indicators that suggest someone is being sexually abused. They may take the form of physical or behavioral evidence. The following list is not all-inclusive and some abused individuals may not show any of these symptoms.

Physical evidence of sexual abuse includes, but is not limited to:

- Sexually transmitted diseases;
- Difficulty and/or pain when sitting or walking;
- Injury to genital area; or
- Physical injuries involving the genital area.

Behavioral signals suggestive of sexual abuse include, but are not limited to:

- Fear or reluctance about being left in the care of a particular person;
- Recoiling from being touched;
- Bundling oneself in excessive clothing, especially night clothes;
- Discomfort or apprehension when sex is referred to or discussed;
- Nightmares or fear of night and/or darkness; or
- Sexually suggestive, inappropriate, or promiscuous behavior or verbalization.

Reporting Procedure

All Orangetown staff members, board members or volunteers who learn of sexual abuse being committed must immediately report it to his or her department head and the Orangetown Human Resources Director (the “designee”). If the victim is an adult other than an elderly adult, the designee must immediately report the abuse to the local police. If the victim is an elderly adult, the designee must immediately report the abuse to the Office of Children and Family Services at (844) 697-3503. If the victim is a child, the designee must immediately report the abuse by telephone to the Office of Children and Family Services and confirm it in writing via the U.S. Mail, postage prepaid, within 48 hours of the initial phone report to (800) 342-3720. Appropriate family members of the victim must be notified immediately of suspected child abuse.

Investigation and Follow Up

The Town of Orangetown takes allegations of sexual abuse seriously. If an allegation is reported against an Orangetown staff member, board member or volunteer, the Town of Orangetown will promptly, thoroughly and impartially initiate an investigation to determine whether there is a reasonable basis to believe that sexual abuse has been committed. The Town of Orangetown investigation may be undertaken by an internal team or the Town may hire an independent third - party. The Town of Orangetown and its employees will cooperate fully with any investigation conducted by law enforcement or regulatory agencies, and the Town may refer the complaint and the result of its own investigation to those agencies. The Town reserves the right to place the subject of the investigation on an involuntary leave of absence or reassign that person to responsibilities that do not involve personal contact with individuals. To the fullest extent possible, but consistent with the legal obligation to report suspected abuse to appropriate authorities, the Town will endeavor to keep the identities of the alleged victims and investigation subject confidential, as allowed by law.

If the investigation substantiates the allegation, this policy allows the Town of Orangetown to impose discipline, consistent with and in accordance to New York Civil Service Law Section 75.

Retaliation Prohibited

We prohibit any retaliation against anyone who in good faith reports sexual abuse, alleges that sexual abuse is being committed or participates in the investigation of the alleged abuse. Intentionally false or malicious accusations of sexual abuse are prohibited.

Anyone who improperly retaliates against an individual who has made a good-faith allegation of sexual abuse, or intentionally provides false information to that effect, will be subject to discipline, up to and including termination of employment.

Policy Dissemination

All departments and boards of the Town shall distribute this Policy by providing a copy to each employee.

RESOLUTION NO. 453

**SET PUBLIC HEARING / AMEND
CHAPTER 43 / ESTABLISHING
LANDLORD REGISTRY**

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

RESOLVED, a public hearing is scheduled for November 1, 2016, 8:10 pm amending Chapter 43, establishing a Landlord Registry.

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

Noes: None

RESOLUTION NO. 454

PAY VOUCHERS

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

RESOLVED, upon the recommendation of the Finance Director, Jeff Bencik, the Finance Office is hereby authorized to pay vouchers for the General Fund, Town Outside Village, Blue Hill, Broadacres, Highway, Sewer, Capital Projects, Risk Retention, and Special Parking Funds for a total amount of \$2,251,755.82.

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

Noes: None

RESOLUTION NO. 455

ADJOURNED/MEMORY

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

RESOLVED, at 10:40 pm, the Town Board adjourned in memory of Carol L. Schelin, Tappan; John Timoney, formerly NYPD Deputy Commission, Philadelphia Commissioner and Miami Chief of Police; and Coleen Brosman, Nyack.

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

Charlotte Madigan, Town Clerk