

**TOWN OF ORANGE0TOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, DECEMBER 19, 2017**

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

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

Absent: Councilman Denis Troy

Also present: Charlotte Madigan, Town Clerk  
John Edwards, Town Attorney  
Janice Ganley, Supervisor of Fiscal Services  
James Dean, Superintendent of Highways  
Jane Slavin, Director of OBZPAE  
Joseph Moran, Commissioner of DEME  
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.  
Robert Simon, Receiver of Taxes  
Kevin Nulty, Police Chief

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

Robert Simon, Receiver of Taxes, said 12/31/2017, marks the end of his term and thanked voters. Jane Slavin, Director of OBZPAE, updated the Town Board regarding Aluf Plastics and indicated that vent openings were found to have no filter system and that air was moving freely. She indicated that, in spite of new scrubbers, perfume odors have been detected and that inspector requests for access to the interior have been denied. The December 15<sup>th</sup> follow-up inspection was denied due to bad weather. The Town has not received a letter that was requested regarding performance standards and Aluf has not addressed issues.

**RESOLUTION NO. 614**

**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, Diviny, Valentinei  
Noes: None  
Absent: Councilman Troy

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**RESOLUTION NO. 615**

**OPEN PH / REGULATION OF DEVICES  
PUBLIC RIGHT OF WAY AND EASEMENTS**

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

RESOLVED, that the public hearing on Regulation of Devices in Public Right of Way and Easements is hereby opened.

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

Charlotte Madigan presented the Affidavit of Publication and Notice of Posting; copies are labeled Exhibit 12-B-17 and made a part of these minutes.

Summary of Public Comments:

Mary Marzolla, spoke about O&R license to permit attachments, a non-utility does not provide protections to the Town, issues can arise if no information or notice is given to the Town regarding licensing status of Contractors who do the work.

**RESOLUTION NO. 616**

**ADJOURN PH / REGULATION OF DEVICES IN PUBLIC RIGHTS OF WAY AND EASEMENTS**

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

RESOLVED, that the public hearing on Regulation of Devices in Public Right of Way and Easements is hereby adjourned to February 6, 2018 at 8:15 pm.

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

**RESOLUTION NO. 617**

**OPEN PH / CHAPTER 14C – FILMING  
DECLARE TOWN BOARD’S INTENT TO  
SERVE AS LEAD AGENCY  
UNCOORDINATED REVIEW**

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

RESOLVED that the public hearing on a proposed Local Law, as follows, amending Chapter 14C - Filming is hereby open.

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

Charlotte Madigan presented the Affidavit of Publication and Notice of Posting; copies are labeled Exhibit 12-C-17 and made a part of these minutes.

Summary of Public Comments:

Michael Mandel, Pearl River, there are concerns of trucks parking by reservoirs. In today’s times we must know who is working on things; unincorporated villages should control their own filming. Heather Hurley, Pearl River, spoke regarding call times for production companies and that current set times are unrealistic and welcomes a different structure of a 12 hour window. Charlotte Madigan, Town Clerk, said she will work closely with the Police Chief

**RESOLUTION NO. 618**

**CLOSE PH / CHAPTER 14C - FILMING**

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

RESOLVED, the public hearing on the proposed amendments to Chapter 14C of the Orangetown Town Code - Filming is hereby closed.

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

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**RESOLUTION NO. 619**

**DECLARE SEQRA/UNLISTED ACTION  
NEGATIVE DECLARATION/LEAD  
AGENCY/ CHAPTER 14C - FILMING**

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

RESOLVED, with respect to the proposed amendments to Chapter 14C of the Town Code, entitled "Filming", the Town Board hereby declares itself lead agency for environmental review under SEQRA; determines that the proposed action is an "unlisted action"; and, based on the Short EAF, and the nature of the proposed amendments, concludes that there will be no significant adverse environmental impact as a result of the adoption thereof. Therefore, a Negative Declaration is authorized and directed.

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

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**RESOLUTION NO. 620**

**ADOPT/LOCAL LAW NO. 12, 2017  
CHAPTER 14C - FILMING**

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

RESOLVED, that the Town Board hereby adopts Local Law 12, 2017.

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

**LOCAL LAW NO.12 OF 2017  
AMENDING CHAPTER 14C  
OF THE ORANGETOWN TOWN CODE – FILMING**

Text to be added is underlined

Text to be deleted is ~~struck~~

Chapter 14C – Filming

Legislative intent.

A. The Town Board of the Town of Orangetown recognizes that the Town's natural beauty, geographical location and historical sites are attractive to individuals, organizations, corporations, groups and other entities involved in the businesses of still photography, motion pictures and television.

B. It is hereby found by the Town Board of the Town of Orangetown that because such filming activities may create a threat to public safety, health or welfare due to the time, location or duration of the filming, or may unduly interfere with vehicular and/or pedestrian traffic, it is necessary to provide for the regulation of the taking of still or motion pictures within the Town through the issuance of permits and that said regulation is a matter affecting the public interest and therefore should be subject to supervision and administrative control for the purpose of safeguarding the public against the impact of such activities

**§ 14C-1. Definitions.**

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

FILMING — The taking of still or motion pictures, either on film, videotape or similar recording

**Local Law No. 12, 2017 - Continue**

medium, for commercial purposes intended for viewing on television or in theaters or for institutional use.

PUBLIC LANDS — Any and every public street, highway, sidewalk or square, public park or playground or other public place within the Town which is within the jurisdiction of the Town.

**§ 14C-2. Permits.**

A. No person shall film or permit filming within the unincorporated section of Town of Orangetown on public lands or utilize public lands for filming on private property without first obtaining a permit therefor, which permit shall set forth the location of such filming, the date or dates when filming shall take place, the name, address and telephone number of the applicant, a brief description of the activities, the number of cameras on the shoot, identify if a feature commercial or industrial shoot, the name of the producer, the type of equipment and props to be used, the number of persons to be employed, specific locations where the work will be done and vehicles which are to be used, including the description thereof and their license numbers. Any incidental use of public lands that obstructs any public lands or interferes with the use of any public lands requires a permit; provided, however, that nothing contained in this section shall prevent persons from temporarily loading or unloading filming equipment on any public right-of-way, provided that such loading or unloading is done without unnecessary delay, and provided that such filming equipment is not allowed or permitted to remain on such public right-of-way for a period longer than 15 minutes.

B. Permits must be obtained from the ~~Town Clerk~~ Police Chief of the Town of Orangetown, or his designee, during normal business hours. Applications shall be in such form approved by the Town Board and accompanied by a permit fee in the amount established by the Town Board. Applications for filming at public parks are subject to an additional permit to be completed and approved by the Office of Parks and Recreation.

C. In addition, all applicants for said permits:

(1) Must submit their permit applications to the ~~Town Clerk~~ Police Chief at least seven days in advance of any anticipated filming; application(s) received less than seven days in advance of any anticipated filming will be accepted at the discretion of the Police Chief and, if approved, subject to an additional fee.

(2) Must submit with their application a parking plan map for all vehicles to be parked on all impacted roadways, as well as a traffic detour plan/map: and

(3) Are to provide a form notification letter to be distributed by the applicant to all property owners who may be impacted by any filming.

D. One permit shall be required for each location.

E. If a permit is issued and due to inclement weather or other good cause, not within the control of the applicant, filming does not in fact take place on the date or dates specified, the Police Chief may, at the request of the applicant, issue an amended permit for filming on other dates subject to full compliance with all other provisions of this chapter. No additional fee shall be required for an amended permit under this section.

F. Exemptions.

Notwithstanding the requirements of this chapter, the filming activities designated below do not require a permit to be obtained pursuant to this chapter, if such activity does not obstruct or interfere with the use of any public lands. For purposes of this section, the term "obstruct or interfere with the use of any public lands" shall mean any filming activity which impedes or which involves the blockage, interruption or closure, in whole or in part, of any public lands.

(1) Filming and coverage by news media.

(2) Filming by and intended for the exclusive use of the owner and his/her immediate family.

**Local Law No. 12, 2017 - Continue**

(3) Filming occurring on public lands or on private property resulting in an incidental use of public lands, and involving the use of a handheld device, as defined herein.

**§ 14C-3. Rules and regulations.**

A. No permit shall be issued for filming on public lands or for using public lands for filming on private property unless the applicant for such permit provides proof of insurance coverage for bodily injury for any person in the amount of \$1,000,000 and for any aggregate occurrence in the amount of \$2,000,000 and agrees, in writing, to indemnify and save harmless the Town of Orangetown from any and all liability or damages resulting from the use of such public lands.

B. The holder of the permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic and shall provide traffic control personnel and approved traffic control devices as per the New York State Manual of Uniform Traffic Control Devices. The holder of the permit shall also comply with all lawful directives of the Orangetown Police Department.

C. The holder of the permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets. The holder shall avoid any interference with previously scheduled activities.

D. The holder of a permit shall take all reasonable steps to minimize the creation and spread of debris and rubbish during filming and shall be responsible for removing all equipment, debris and other rubbish from the filming location upon the completion of filming or the expiration of the permit.

E. Unless otherwise permitted pursuant to this chapter, filming in residential zones shall generally be permitted only Monday through Friday between the hours of 8:00 a.m. and 7:00 p.m. or sundown, whichever is earlier., ~~in residential zones.~~

F. The ~~Town Clerk~~ Police Chief may refuse to issue a permit whenever she determines, on the basis of objective facts and after review of the application and a report from the Orangetown Police Department, Highway Superintendent, Superintendent of Parks and Recreation and/or any other Town Department head, that filming at the location and/or time set forth in the application would violate any law or ordinance or would unreasonably interfere with the public's use of the public lands.

G. The Police Chief may revoke a permit that has been issued due to permittee failure to comply with permit terms, but any permit fees paid or unpaid remain due.

**§ 14C-4. Violations and penalties.**

Any person violating this chapter or rules and regulations contained herein shall be subject to a fine not to exceed \$5,000 and/or to imprisonment for a term not to exceed 90 days, or both.

**§ 14C-5. Fees.**

A. The applicant shall pay to the ~~Town Clerk~~ Police Chief all fees set forth by Town Board resolution (see footnote 1). In addition, filming in any public park is subject to fees as per town board resolution described in § 14-1, payable to the Office of Parks and Recreation at the time the park permit is approved.

B. If the applicant intends to change his or her activities in any respect, further written application must be made to the ~~Town Clerk~~ Police Chief.

C. If, in the discretion of the Chief of the Police, Superintendent of Highways, Superintendent of Parks and Recreation, ~~or any other Town department head~~, Town personnel are needed or requested at the site, the applicant shall pay to the Town a sum for the use of Town personnel pursuant to the applicable Town Department's fee schedule or schedules for such use of personnel, but in no event shall said sum be less than \$85 per hour for each Town employee required at the site.

D. If, in the discretion of the Chief of the Police, Superintendent of Highways, Superintendent of

**Local Law No. 12, 2017 - Continue**

Parks and Recreation, ~~or any other Town department head~~, vehicles (which list includes but is not limited to police vehicles, Highway Department vehicles, or Parks and Recreation Department vehicles) are needed or requested at the site, the applicant shall pay to the Town a sum for the use of said vehicles pursuant to the applicable Town department's fee schedule or schedules for such vehicle use, but in no event shall said sum be less than \$15 per hour for any Town vehicle required at the site.

E. In addition to any other fees set forth in this section or in § 14-1, if the applicant starts filming or filming activity (which term is defined in this paragraph and henceforth in this section to include the arrival of personnel or equipment, preparation for filming, or any activity associated with the activity set forth in the permit) prior to 8:00 a.m., the applicant shall pay to the Town a sum of not less than \$500 ~~additional fees of \$500~~ per hour for such early-morning filming or filming activity (with a minimum assessed fee of \$500).

F. In addition to any other fees set forth in this section or in § 14-1, if the applicant does not end filming or filming activity (meaning the complete removal from the site of all participants, vehicles and equipment associated with the activity set forth in the permit) by 7:00 p.m. or sundown, whichever is earlier, the applicant shall pay to the Town a sum of not less than \$500 ~~additional fees of \$500~~ per hour for such post-7:00 p.m. or post-sundown filming or filming activity (with a minimum assessed fee of \$500).

G. In addition to any other fees set forth in this section or in § 14-1, if the applicant starts filming or filming activity on a Saturday or Sunday or a national holiday, the applicant shall pay to the Town a sum of not less than \$500 ~~additional fees of \$500~~ per hour for such weekend or holiday filming or filming activity (with a minimum assessed fee of \$500).

H. In addition to any other fees set forth in this section or in § 14-1, if the applicant permit approves use for any period of time of curbside parking spaces in a commercial area the applicant shall pay to the Town a sum of not less than \$100 per day for each parking space permitted to be used.

1. Editor's Note: The specific permit fee was removed at the request of the Town.

**RESOLUTION NO. 621**

**OUTSIDE COUNSEL/REGULATION AND LITIGATION OF COMPLIANCE ENVIRONMENTAL AND INDUSTRIAL STANDARDS/CARTER, LEDYARD AND MILLBURN**

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

RESOLVED, that the Town Board hereby authorizes the hiring of outside counsel to represent the town regarding regulation and litigation of compliance with environmental and industrial standards as per attached proposal from Carter, Ledyard and Millburn, with fees not to exceed \$35,000.

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

**RESOLUTION NO. 622**

**DEFEASANCE OF OUTSTANDING BOND PURCHASE OF ROCKLAND PSYCHIATRIC CENTER (2008) AND REFINANCED (2015)/~\$3.6 MILLION**

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

WHEREAS, the Town of Orangetown has \$3,535,000 of bonds outstanding (the "Bonds") relating to the acquisition of the former Rockland Psychiatric Center; and

**RESOLUTION NO. 622 - Continue**

WHEREAS, a portion of such real property (the “Land”) has been sold and it is now the intent to use a portion of the proceeds from such sale to defease the Bonds; NOW THEREFORE, BE IT RESOLVED by the Town Board of the Town of Orangetown, Rockland County, New York as follows:

Section 1. Proceeds from the sale of the Land are hereby directed to be used to defease the outstanding Bonds.

Section 2. The amount of such proceeds to be used shall be sufficient to make the January 1, 2018 debt service payment on the Bonds as well as an amount which, after investment thereof, will be sufficient to satisfy the debt service requirements on the Bonds though and including the call date of the Bonds on January 1, 2026.

Section 3. The Director of Finance is authorized to engage the services of an escrow agent and verification agent in connection with the defeasance of the Bonds.

Section 4. This resolution takes effect immediately.

Ayes: Councilpersons Diviny, Bottari, Valentine  
Supervisor Stewart

Noes: None

Absent: Councilman Troy

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**RESOLUTION NO. 623**

**ACCEPT/RECEIVE/FILE/TOWN CLERK’S OFFICE**

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

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

1. Aluf’s Air Quality Monitoring Report (Oct. 2017) prepared by TRC Environmental Corporation.
2. Town Board minutes: 9/26/17 and 10/17/17 Workshops; 10/3/17 and 10/24/17 Regular Town Board Meetings; and 10/17/17 Police Commission.
3. Agreement: Traffic Signal Installation Design & Construction Inspection Services at the Intersection of Convent Road and Third Ave, Blauvelt with Adler Consulting (11/2017).
4. Kolb Subaru/Kirchner Site Plan: Road Widening Deed (RC Inst No. 2017-037233), and Storm Water Maintenance Agreement (RC Inst No. 2017-032483).

Ayes: Councilman Bottari, Supervisor Stewart  
Councilpersons Diviny, Valentine

Noes: None

Absent: Councilman Troy

**RESOLUTION NO. 624**

**APPOINT HEARING OFFICER/WILLIAM SHERWOOD/EMPLOYEE #1321**

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

BE IT RESOLVED that the Town Board hereby appoints William Sherwood to act as a Hearing Officer pursuant to §75 of the Civil Service Law of the State of New York with respect to certain disciplinary charges, dated September 13, 2017, preferred against Employee # 1321. The Hearing Officer is directed to conduct a hearing, making findings of fact and issue a recommendation of guilt or innocence, along with a recommended penalty, if appropriate, to the Town Board.

**RESOLUTION NO. 624 - Continue**

BE IT FURTHER RESOLVED that the Town Board approves of the compensation of Hearing Officer Sherwood, at a rate of \$225.00 per hour for services rendered.

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

**RESOLUTION NO. 625**

**CONTRACT/SYMPROCITY SOFTWARE SOLUTIONS, INC. JANUARY 1, 2018 – DECEMBER 31, 2018**

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

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a one (1) year contract for 2018, on behalf of the Town, as proposed and written, with SYMPROCITY SOFTWARE SOLUTIONS, INC. for the inspection and record keeping software program and database customized for the Bureau of Fire Prevention, for a sum of FIVE AND 00/100 (\$5.00) DOLLARS per Inspection performed; and for the lease to the Town of a “Field Inspection Tablet Computer”, specifically, the latest version of a Microsoft Surface tablet(s) (or comparable substitute) with Internet Access for FOUR AND 00/100 (\$4.00) DOLLARS per inspection.

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

**RESOLUTION NO. 626**

**CARETAKER AGREEMENT NIKE PARK/2% INCREASE/THOMAS IACOBELLIS**

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

RESOLVED, that the caretaker agreement for the property located at Nike Park, Orangeburg, New York, with a TWO (2%) PERCENT increase, for a term from January 1, 2018 through December 31, 2018, between the Town and THOMAS IACOBELLIS is hereby approved and the Supervisor is hereby authorized to sign same.

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

**RESOLUTION NO. 627**

**CARETAKER AGREEMENTS HENRY V. BORST PARK/ 2% INCREASE/ANTHONY LIMANDRI**

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

RESOLVED, that the caretaker agreement for the property located at 212 North Main Street, Pearl River, New York (Henry V. Borst Park), with a TWO (2%) PERCENT increase, for a term from January 1, 2018 through December 31, 2018, between the Town and ANTHONY LIMANDRI is hereby approved and the Supervisor is hereby authorized to sign same.

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

**RESOLUTION NO. 628**

**MEMORANDUM OF UNDERSTANDING/NY SHARKS 2017-2018/ AQUATIC/POOL USE**

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

RESOLVED, that the Memorandum of Understanding between the Town of Orangetown and New York Sharks Aquatics of Clarkstown for the year 2017 to 2018 in the amount of SEVENTEEN THOUSAND SEVEN HUNDRED EIGHTY-EIGHT AND 61/100 (\$17,886.61) DOLLARS, is hereby approved and the Supervisor is hereby authorized to execute such Memorandum of Understanding.

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

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**RESOLUTION NO. 629**

**2018 AGREEMENT/HI-TOR ANIMAL CARE CENTER, INC.**

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

RESOLVED, that the Town Board authorizes and approves a contract with Hi-Tor Animal Care Center, Inc. in the amount of FORTY NINE THOUSAND SIXTY AND 00/100 (\$49,060.00) DOLLARS by quarterly payments for fiscal year 2018 for the statutory shelter/pound services required to be provided by the Town, in accordance with the terms of said contract, a copy of which is expressly incorporated herein by reference, and the Supervisor is hereby authorized to sign same.

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

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**RESOLUTION NO. 630**

**AWARD BID/DRY CLEANING, LAUNDERING, MINOR SEWING AND REPAIRS/POLICE DEPARTMENT UNIFORMS 2018-2019/THE WASHING BOARD**

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

WHEREAS, the Police Chief duly advertised for sealed bids, Dry Clean, Laundering, Minor Sewing and Repairs of Police Uniforms, which were received and publicly opened on November 27, 2017; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 12-C-17, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that upon the recommendation of the Chief of Police, the bid from The Washing Board, Pearl River, for dry cleaning, laundering, minor sewing and repairs for Police Department uniforms, 2018-2019 is hereby awarded.

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

**RESOLUTION NO. 631**

**AWARD BID/ FURNISHING OF POLICE  
DEPARTMENT UNIFORMS/D&E  
UNIFORM**

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

WHEREAS, the Police Chief duly advertised for sealed bids, Furnishing of Police Department Uniforms, which were received and publicly opened on November 27, 2017; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 12-D-17, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that upon the recommendation of the Chief of Police, accept a bid by D & E Uniform, the lowest responsible bidder, for the furnishing of Police Department Uniforms.

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

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**RESOLUTION NO. 632**

**CREATE POSITION/ASSISTANT  
AUTOMOTIVE MECHANIC/HIGHWAY**

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

RESOLVED, based on the recommendation of the Rockland County Personnel Department, the creation of the above noted position in the Highway Department, is hereby approved.

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

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**RESOLUTION NO. 633**

**POLICE REGULATION/ STOP SIGN  
OLD MOUNTAIN ROAD & SOUTH  
BOULEVARD/UPPER GRANDVIEW.**

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

RESOLVED, that upon the recommendation of the Orangetown Traffic Advisory Board, direct the Highway Department to install a "STOP SIGN" on Old Mountain Road (County Road 28) at South Boulevard in Upper Grandview, requiring motorists to STOP Before entering South Boulevard.

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

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**RESOLUTION NO. 634**

**CONTRACT/TRC ENVIRONMENTAL  
CORP/CHANGE ORDER #1  
ADDITIONAL SERVICES**

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

WHEREAS, by Resolution 337/2017, dated June 20, 2017, Town Board authorized the execution a professional services agreement between the Town and TRC Environmental Corporation for engineering consulting services, including air sampling and monitoring, odor survey and on-site meteorological services, in a total sum not to exceed \$59,000.00, relating to Aluf Plastics; and

**RESOLUTION NO. 634 - Continue**

WHEREAS, at the request of the Town Board, TRC has performed additional services outside the scope of the original agreement at an additional cost of \$5,458.00; be it

RESOLVED, the Town Board hereby approves the change order as amended.

Ayes: Councilman Diviny, Supervisor Stewart  
Councilpersons Valentine, Bottari

Noes: None

Absent: Councilman Troy

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**RESOLUTION NO. 635**

**NEW TOWN HALL/SCHEME CHOICE  
THE MUSIAL GROUP**

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

RESOLVED that the Town Board selects Scheme 7 as the basis for additional space schematics, to be provided by the Musial Group and further directs the Director of the Office of Building, Planning, Zoning, Administration and Enforcement to coordinate this effort.

Ayes: Supervisor Stewart  
Councilpersons Valentine, Diviny, Bottari

Noes: None

Absent: Councilman Troy

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**RESOLUTION NO. 636**

**TAX CERTIORARI SETTLEMENT/MC  
CORP OF STONY POINT 68.20-5-1.1, 130  
SOUTH PEARL STREET, PEARL RIVER**

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

RESOLVED, that upon the recommendation of the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign settlement documents regarding the tax certiorari proceeding MC Corp of Stony Point v. Town of Orangetown, et al., Tax Map designation 68.20-5-1.1 (130 South Pearl Street, Pearl River) for the tax assessment years 2014 through 2017 for a total refund by the County of \$1,006, a total refund by the Town of \$2,848 and a total refund by the School District of \$12,662. Interest on the Town's liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Town (and Rockland County Finance Dept.).

Ayes: Supervisor Stewart  
Councilpersons Bottari, Diviny, Valentine

Noes: None

Absent: Councilman Troy

**RESOLUTION NO. 637**

**DONATION / THE OF JOHN M. PERRY POST  
MONUMENT PLAQUE/SPARKILL MEMORIAL  
PARK**

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

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, accept with gratitude the donation from the John M. Perry Post of a monument/plaque to be installed in Sparkill Memorial Park. The new monument will be installed to the north the flagpole and existing monuments and will honor the men and women who served in the Iraq and Afghanistan Wars.

Ayes: Councilpersons Valentine, Diviny, Bottari  
Supervisor Stewart

Noes: None

Absent: Councilman Troy

**RESOLUTION NO. 638**

**APPOINT/RIFFAT MANSOOR  
INFORMATION SERVICES AND  
RECORDS MANAGEMENT  
SPECIALIST/POLICE DEPARTMENT**

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

RESOLVED, that upon the recommendation of the Chief of Police, appoint Riffat Mansoor, effective January 8, 2018, provisionally, with permanent appointment contingent on successful completion of all phases of the NYS Civil Service and Rockland County Department of Personnel testing/hiring process, to the position of "Information Services and Records Management Specialist (Police Department) at a salary/benefits consistent with the terms of Grade 15 of the labor agreement between the Town of Orangetown and CSEA.

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

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**RESOLUTION NO. 639**

**APPOINT/BRIAN CONNOLLY  
SUPERVISOR OF PARKING  
ENFORCEMENT/PART TIME**

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

RESOLVED, that upon the recommendation of the Chief of Police, effective January 8, 2018, appoint Brian Connolly, provisionally, to the position of "Supervisor of Parking Enforcement," in a part-time capacity, at the rate of pay of \$27.85 per hour, pending successful completion of a NYS Civil Service test and being certified for a permanent appointment by the Rockland County Department of Personnel.

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

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**RESOLUTION NO. 640**

**POLICE/NOMINATE/PAUL VALENTINE  
POLICE OFFICER/RESIDENT**

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

RESOLVED, that upon the recommendation of the Chief of Police, nominate Paul Valentine, from the Rockland County Civil Service nominating list #69-233/16097, to the position of "Police Officer/Resident of the Town of Orangetown", with his permanent appointment being contingent upon his successful completion of the remaining phases of the Rockland County Civil Service testing process, successful completion of the DCJS Basic Training School for Police Officers' and a background investigation."

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

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**RESOLUTION NO. 641**

**POLICE/NOMINATE/MARK MEYERS  
POLICE OFFICER/RESIDENT**

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

**RESOLUTION NO. 641 (cont)**

RESOLVED, that upon the recommendation of the Chief of Police, nominate Mark Meyers, from the Rockland County Civil Service nominating list #69-233/16097, to the position of "Police Officer/Resident of the Town of Orangetown", with his permanent appointment being contingent upon his successful completion of the remaining phases of the Rockland County Civil Service testing process, successful completion of the DCJS Basic Training School for Police Officers' and a background investigation."

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

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**RESOLUTION NO. 642**

**POLICE/NOMINATE/LUKE GRANEY  
POLICE OFFICER/RESIDENT**

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

RESOLVED, that upon the recommendation of the Chief of Police, nominate Luke Graney, from the Rockland County Civil Service nominating list #69-233/16097, to the position of "Police Officer/Resident of the Town of Orangetown", with his permanent appointment being contingent upon his successful completion of the remaining phases of the Rockland County Civil Service testing process, successful completion of the DCJS Basic Training School for Police Officers' and a background investigation."

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

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**RESOLUTION NO. 643**

**POLICE/NOMINATE/JAMES SCACCIA  
POLICE OFFICER/RESIDENT**

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

RESOLVED, that upon the recommendation of the Chief of Police, nominate James Scaccia, from the Rockland County Civil Service nominating list #69-233/16097, to the position of "Police Officer/Resident of the Town of Orangetown", with his permanent appointment being contingent upon his successful completion of the remaining phases of the Rockland County Civil Service testing process, successful completion of the DCJS Basic Training School for Police Officers' and a background investigation."

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

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**RESOLUTION NO. 644**

**GHD ENGINEERS DESIGN PLANS AND  
SPECIFICATIONS NYSDEC  
REQUIREMENT TOTAL RESIDUAL  
CHLORINE IN THE FINAL EFFLUENT**

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

WHEREAS, the NYSDEC has revised the requirement in the Orangetown Sewer District #2 SPDES permit of final effluent limitation for Total Residual Chlorine; and

**RESOLUTION NO. 644 (cont)**

WHEREAS design plans and specifications are required to be submitted detailing the design basis, treatment unit type and sizing that will be used to comply with said requirement, conforming to an engineering report that was previously approved by the NYSDEC; and

WHEREAS four engineering firms were contacted to submit prices to prepare design plans and specifications; and

WHEREAS GHD Engineers wrote the mandated engineering report approved by NYSDEC detailing the design basis, treatment unit type and sizing for the final effluent limitation for Total Residual Chlorine; and

WHEREAS GHD Engineers is qualified to prepare design plans and specifications for the subject task and submitted the lowest price,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board approves an agreement with GHD Engineers to prepare design plans and specifications to comply with the latest NYSDEC requirement regarding Total Residual Chlorine in the final effluent for \$73,400.00.

Ayes: Supervisor Stewart  
Councilpersons Bottari, Diviny, Valentine

Noes: None

Absent: Councilman Troy

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**RESOLUTION NO. 645**

**NEW PUBLIC HEARING DATE AND TIME  
AMENDING CHAPTER 6 (BUILDING  
CONSTRUCTION ADMINISTRATION),  
AND CHAPTER 43 (ZONING)  
PERFORMANCE STANDARDS**

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

WHEREAS, by Resolution #537 of 2017, the Town Board set December 5, 2017 for a public hearing on proposed revisions to §6-5 of Chapter 6 (Building Construction and Administration) of the Code of the Town of Orangetown (“Orangetown Code”), and §4.11, §4.12, §4.13, §10.222, §10.323, §10.334 and §10.335 of Orangetown Code Chapter 43 (Zoning Code) relating to Performance Standards; and

WHEREAS, at the Town Board meeting on the appointed date, following notice duly published, the Town Board opened the public hearing and received comments from various members of the public; and

WHEREAS, one member of the public present at the hearing, who identified himself as an attorney for Aluf Plastics, an industrial business within the Town, protested the legality of the hearing, in that, based on colloquy between and among the Board members and others present at the meeting, it was evident that the proposed law was not in final form when advertised, and, thus, could not have been posted by the Town Clerk three days prior to the hearing, as required by Orangetown Code §25; and

WHEREAS, in order to avoid potential legal challenges, grounded in process, not substance, the Town Board has determined to re-start the local law process; and

WHEREAS, the Town Board has before it, at the dais, a proposed local law, in final form for the purpose of review and public hearing,

NOW, THEREFORE, BE IT RESOLVED, as follows:

1) The Town Board sets February 6, 2018, 8:05 p.m., for a public hearing on the proposed local law, and directs that the Town Clerk publish notice of such hearing, as well as post copies of both the notice and the proposed local law, sufficiently prior to such hearing in compliance with applicable

**RESOLUTION NO. 645 (cont)**

State law and the Orangetown Code, and to take such other action, if any, as may be required by law; 2) The Town Board hereby declares its intent to serve as Lead Agency in connection with the environmental review of the proposed local law, under the State Environmental Quality Review Act (SEQRA), and directs the Town Attorney to circulate notice of such intent, together with a copy of the proposed local law, together with such other documents as may be relevant, to all potential Involved Agencies. To the extent such notice of such intent was previously given, pursuant to Resolution #537 of 2017, notice shall be given anew; 3) The Town Attorney shall further cause a copy of the proposed local law, and related documents, to be circulated to the Rockland County Department of Planning, and to such other agencies and departments for their review and comment, as required under General Municipal Law §239, as well as to the Orangetown Planning Board, for its review and comment, pursuant to Orangetown Zoning Code Chapter 43 (Zoning), §10.5

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

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**RESOLUTION NO. 646**

**BID/SHOWMOBILE/WENGER INC.**

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

WHEREAS, the Superintendent of Parks, Recreation & Building Maint advertised for sealed bids for a new Showmobile, which were received and publicly opened on November 9, 2017; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 12-E-17, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, the bid by Wenger, Inc., the only qualified bidder, at a cost of \$136,418 is hereby awarded. The amount is reimbursable through a grant from the Tappan Zee Bridge Community Benefits Fund.

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

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**RESOLUTION NO. 647**

**AGREEMENT/COUNTY OF ROCKLAND  
ASSIGNMENT OF POLICE DETECTIVE**

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

RESOLVED, upon the recommendation of the Chief of Police, authorize the Supervisor to enter into an agreement with County of Rockland regarding the assignment of Orangetown Police Detective through the Regional Investigative Resource Center for the years 2016-2017, through asset forfeiture.

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

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**RESOLUTION NO. 648**

**ACCEPT/STIPULATION/POLICE  
DISIPINARY MATTER EMPLOYEE #2637**

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

**RESOLUTION NO. 648 - Continue**

RESOLVED, according to the terms of the Rockland County Police act of 1936, as amended, authorize Chief of Police to sign disciplinary stipulation of settlement with Employee #2637.

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

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**RESOLUTION NO. 649**

**PAY VOUCHERS**

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

RESOLVED, upon the recommendation of the Finance Director, the Finance Office is hereby authorized to pay vouchers for two (2) warrants for a total amount of \$1,145,558.67

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

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**RESOLUTION NO. 650**

**ADJOURNMENT/MEMORY**

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

RESOLVED, at 9:37 p.m., the Town Board adjourned in memory of Former Orangetown Police Department Administrative Lieutenant William E. Schnakenberg, 1961-1999, a US Navy veteran and a graduate of The FBI National Academy and Nyack High School; David Jahnes, Nyack Firefighter; and Denis O'Leary, Pearl River.

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

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**Charlotte Madigan, Town Clerk**