

TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, MARCH 7, 2017

This Town Board Meeting was opened at _____p.m.

Councilman Denis Troy _____
Councilman Thomas Diviny _____
Councilman Paul Valentine _____
Councilman Jerry Bottari _____
Supervisor Andrew Stewart _____

Pledge of Allegiance to the Flag

ANNOUNCEMENTS:

- J Proclamation March 2017 Irish Cultural Heritage Month
- J Proclamation March 2017 as Women's History Month
- J Public Hearing Workshop of March 14, 2017 at 8:00 P.M. Re: PROPOSED LOCAL LAW, AMENDING CHAPTER 43, § 2.1 AND 3.11 AND 3.12, OF THE ZONING LAW OF THE TOWN OF ORANGETOWN TO ESTABLISH A NEW RPC-OP ZONING DISTRICT AND CHANGING THE ZONING DISTRICT OF PROPERTY, FORMERLY A PART OF THE ROCKLAND PSYCHIATRIC CENTER (A PORTION OF TAX LOT 73.08-1-1) RPC
- J March 16, 2017 6:00 P.M.-8:00 P.M "NY Citizen Preparedness Training Program" at Rockland Community College Theater, 145 College Road, Suffern, NY Contact: Senator Carlucci's office (845) 623-3627

PRESENTATIONS:

PUBLIC COMMENT:

TOWN BOARD/TOWN ATTORNEY

OPEN PH/MARCH 7, 2017/AMEND
TOWN CODE CHAPTER 39/VEHICLES
AND TRAFFIC

1. RESOLVED, that the 8:00 p.m. public hearing to amend the Town Code, Chapter 39, is hereby opened.

TOWN BOARD/TOWN ATTORNEY

CLOSE PH/MARCH 7, 2017 AMEND
TOWN CODE CHAPTER 39/VEHICLES
AND TRAFFIC

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

LEAD AGENCY/AMEND TOWN CODE
CHAPTER 39/VEHICLES AND TRAFFIC
LEAD

3. RESOLVED, that the Town Board declares itself Lead Agency in this matter.

SEQRA DECLARATION/AMEND TOWN
CODE CHAPTER 39/VEHICLES AND
TRAFFIC

4. RESOLVED, that a SEQRA Declaration of non-significance, indicating that the action the Town Board is contemplating will not have a significant negative impact on the environment, is hereby adopted.

ADOPT LOCAL LAW AMENDING TOWN
CODE CHAPTER 39/VEHICLES AND
TRAFFIC

5. WHEREAS, the Town of Orangetown Traffic Advisory Board having investigated issues relating to congestion and safety within the Hamlet of Tappan, in and around Oak Tree Road and Main Street, recommends the Town Board enact this proposed local law amending the Town Code;

WHEREAS, the Town Attorney's Office has found this proposed local law to be legally sufficient;

WHEREAS, this proposed local law has been coordinated with the Highway Department and the Police Department;

WHEREAS, the Highway Department and Police Department recommend that the Town Board adopt this proposed local law amending the Town Code;

RESOLVED, the proposed local law, amending Chapter 39 entitled Vehicles and Traffic of the Town Code, relating to weight restrictions on Oak Tree Road in the Hamlet of Tappan, is hereby adopted.

TOWN OF ORANGETOWN

LOCAL LAW NO. ___ - 2017

BE IT ENACTED by the Town Board of the Town of Orangetown as follows:

Section 1. Title.

A Local Law amending Chapter 39 (Vehicles and Traffic), Article I (Vehicle and Traffic Regulations) of the Code of the Town of Orangetown.

Section 2. Amend Chapter 39, by adding the following section:

39-11.3 Weight Limits on Oak Tree Road in the Hamlet of Tappan

It shall be unlawful for trucks of the following descriptions to travel over Oak Tree Road from Route 303 to Main Street:

- A. Trucks with two axles having a gross weight of vehicle plus load in excess of eight tons;
- B. Trucks with three axles having a gross weight of vehicle plus load in excess of twelve tons; and
- C. Trucks with four axles having a gross weight of vehicle plus load in excess of sixteen tons.

Section 6. Effective date.

The provisions of this local law shall take effect immediately upon filing with the Secretary of State.

TOWN BOARD

APPROVE/CONSULTANT
SERVICES/GRANT WRITING/SYLVIA
WELCH

6. RESOLVED, that the Town of Orangetown shall engage the services of Sylvia Welch, Ph.D., Piermont, NY, for the purposes of providing professional services at a rate of \$60/hr for the period January 1, 2017 through December 31, 2017. The Consultant agrees to perform the following:
1. Assist the Town to identify potential funding sources for programs and capital projects as directed by the Town.
 2. Prepare funding applications as directed by the Town relevant to the above projects and programs.
 3. Assist the Town in grants administration as requested.
 4. Perform other planning and coordination services as requested.
 5. Expenses incurred in the preparation and submission of applications and grant documents, such as copying, will be billed separately; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to execute any documents related to this agreement and directs the Supervisor to obtain Town Board approval for specific grant applications before engaging Welch.

TOWN BOARD

APPOINT _____, AS
A MEMBER OF THE BOARD OF
ASSESSMENT REVIEW, FOR A 5-
YEAR TERM

7. RESOLVED, that _____, is hereby appointed member of the Board of Assessment of Review for a period of 5-Years, commencing January 1, 2017 and expiring on December 31, 2021.

TOWN BOARD

APPROVE AMENDMENT TO PILOT AGREEMENT/CEROVENE, INC./10 CORPORATE DRIVE (PREVIOUSLY APPROVED BY TOWN BOARD RESOLUTION 105/2014)

8. WHEREAS, by Town Board Resolution 105 of 2014, duly adopted the 11th day of February 2014, the Town Board approved a Payment in Lieu of Taxes ("PILOT") Agreement, dated as of April 1, 2014, between and among the Town, the Pearl River School District the County of Rockland Industrial Development Agency and Cerovene, Inc. and Medlantis, LLC; and

WHEREAS, the parties acknowledge that since entering into the Original Agreement factors beyond the control of the parties have caused a delay in the development and start-up of operations at the affected property; and

WHEREAS, the parties agree that such delay has caused unforeseen hardship to Cerovene and Medlantis and a failure of the expectations of the parties thereto as to the appropriate assessed values that were agreed upon, and that, as a result of such hardship a modification of the schedule of assessed values set forth in the Original Agreement is reasonable and justified

NOW, THEREFORE, BASED ON THE AFORESAID, it is,

RESOLVED, that the Town Board hereby approves the amendment of the Original PILOT Agreement, dated as of April 1, 2014, between and among the Town, the Pearl River School District the County of Rockland Industrial Development Agency and Cerovene, Inc. and Medlantis, LLC , as follows:

Section 7 of the Original Agreement is amended to replace in the table for year 6 (under the heading "Tax Year During PILOT Period"), the amount of \$1,700,000 (under the heading "Schedule of Values (Deemed Assessed Value For Purposes of Calculating Town and School District PILOT Payments") with the amount of \$1,225,000.00;

And,

BE IT FURTHER RESOLVED, that the above amendment shall be effective retroactive to the original date of the Original Agreement, immediately upon completion of the execution and delivery of the Amendment, as prepared by the County of Rockland Industrial Development Agency, incorporated herein by reference, by all of the parties thereto. Except as modified by the said Amendment, the Original Agreement shall remain in full force and effect.

TOWN ATTORNEY

APPROVE 2017 AGREEMENT/HI-TOR
ANIMAL CARE CENTER, INC.

9. RESOLVED, that the Town Board authorizes and approves a contract with Hi-Tor Animal Care Center, Inc. in the amount of EIGHT THOUSAND TWO HUNDRED FIFTY AND 00/100 (\$8,250.00) DOLLARS quarterly for fiscal year 2017 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.

APPROVE/TOWN BOARD CONSENT TO
INCORPORATION OF HILLSIDE SEWER
CORP. AS SEWER-WORKS
TRANSPORTATION CORPORATION

10. RESOLVED, on application of Route 304, LLC, owner of the premises located at Hillside Ave., Pearl River, New York, bearing Tax Lot Designation 68.11-3-39 & 40 on the Tax Map of the Town of Orangetown, the Town Board consents to the formation and incorporation of the Hillside Sewer Corp., pursuant to Article 1 § 3 and Article 10 of the N.Y. Transportation Corporations Law, for the purposes set forth in the proposed Certificate of Incorporation, made a part of this Resolution.

TOWN ATTORNEY/DEME

ACCEPT/RECEIVE/FILE CORRECTION
EASEMENT/THE CLUB AT PEARL
RIVER, LLC/TAX LOT 73.10, BLOCK 1,
LOT 4

11. BE IT RESOLVED, that upon the recommendation of the Department of Environmental Management and Engineering and the Town Attorney's Office, the Town Board hereby accepts, receives and files, a Correction Easement from The Club At Pearl River, LLC for a twenty foot sanitary sewer easement that was previously accepted by the Town Board pursuant to Resolution No. 2015-432, and recorded in the Rockland County Clerk's Office as Instrument No. 2015-00010353, for property located at 662 Blue Hill Road West, Pearl River, NY, and further identified by Tax Lot 73.10, Block 1, Lot 4, and that the Supervisor or his designee is hereby authorized to execute any and all documents necessary to accept and file same.

TOWN ATTORNEY/ PARKS AND RECREATION

MEMORANDUM OF UNDERSTANDING/
PALISADES INTERSTATE PARK
COMMISSION

12. RESOLVED, that the Town Board approves a Cooperative Agreement, in the nature of a License, with the State of New York, acting through the Office of Parks, Recreation and Historic Preservation, permitting the Town to occupy N.Y.S. park lands, approximately 1,300 ± feet in length and 20 feet in width, and to improve the said park lands with an eight foot wide paved bicycle path. The Licensed Premises are located on the east side of N.Y.S. Route 303, between Greenbush Road to the north and Greenbush Road to the south, and comprise a portion of Tax Map Parcel 70.07-1-9 on the Tax Map of the Town of Orangetown.

POLICE

RECEIVE/FILE/ORANGETOWN POLICE
DEPARTMENT'S "GENERAL ORDERS"
(JUNE 2016) AND "POLICIES AND
PROCEDURES" (FEBRUARY 2017)

13. RESOLVED, that on March 7, 2017, file with the Orangetown Town Board and Town Clerk's Office, copies of the Orangetown Police Department's "General Orders Manual" (June 2016) & "Policies and Procedures" (February 2017).

GRANT PERMISSION/P.O. MICHAEL
MEGDANIS/ATTEND CELLEBRITE
CELLPHONE RECOVERY
CERTIFICATION TRAINING
COURSE/SUFFOLK COUNTY POLICE
ACADEMY/MARCH 20-24, 2017

14. RESOLVED, that upon the recommendation of the Chief of Police, approve P.O. Michael Megdanis to attend the Cellebrite Cellphone Recovery Certification Training Course at the Suffolk County Police Academy, Brentwood, NJ, March 20-24, 2017, at a combined cost of \$4,545.00 for tuition, lodging and meals to be charged to the police department's Federal Asset Forfeiture account. (B.3120.408.16)

PARKS AND RECREATION

APPROVE USE OF
SHOWMOBILE/ROCKLAND COUNTY
PRIDE CENTER/ROCKLAND COUNTY
PRIDE SUNDAY/JUNE 11, 2017

15. 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 Rockland County Pride Center for Rockland County Pride Sunday on Sunday, June 11, 2017 at a rental cost of \$400.00 with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

APPROVE USE OF 6 PORT-O-JOHNS (2
REGULAR, 2 ADA
COMPLIANT)/DENNIS P. MCHUGH
FOUNDATION'S 13TH ANNUAL FUN
RUN AND FAMILY FAIR/SATURDAY,
APRIL 29, 2017

16. RESOLVED, upon completion of all necessary paperwork the Superintendent of Parks and Recreation has forwarded for approval by the Town Board the rental of 6 port-o-john units (4 regular, 2 ADA Compliant) for the Dennis P. McHugh Foundation's 13th Annual Fun Run and Family Fair at Flywheel Park, Piermont, NY, 9:30 A.M. on Saturday, April 29, 2017.

APPROVE AGREEMENT WITH
AMERICAN RED CROSS AND TOWN OF
ORANGETOWN/ AMERICAN RED
CROSS STORAGE TRAILER

17. RESOLVED, at the request of the Superintendent of Parks and Recreation and in agreement with the Town of Orangetown Office of Emergency Management, enter into an agreement with the American Red Cross, for placing an American Red Cross Storage Trailer at 81 Hunt Road in Orangeburg is hereby approved. The agreement will be in place until December 31, 2022. This trailer will contain shelter equipment and supplies in order to set up a temporary shelter in case of emergency. The agreement has been reviewed and approved by the Town Attorney's Office with the American Red Cross providing a certificate of insurance listing the Town of Orangetown as additionally insured.

PARKS AND RECREATION

APPROVE CONTRACT/HVAC
SERVICES/BERRY BURNERS OF
NYACK

18. RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation and Building Maintenance approve contract for Heating, Ventilation and Air Conditioning Services to Berry Burners of Nyack, NY in the amount of \$12,500.00.

HIGHWAY/POLICE

AUTHORIZE USE OF BARRICADES
(HIGHWAY DEPT)/LEND ASSISTANCE
(POLICE DEPT)/ TAPPAN ZEE HIGH
SCHOOL CROSS COUNTRY
RUN/SATURDAY, MARCH 25, 2017

19. RESOLVED, that the Town Board hereby authorizes the Town of Orangetown Highway Department and Police Department to lend assistance, which includes the use of barricades from the Highway Dept., and (5) Auxiliary Police Officers from the Police Dept., for the Tappan Zee HS Cross Country Run on Saturday, March 25, 2017, from 9 am to 10 am.

HIGHWAY/PARKS/POLICE

AUTHORIZE USE OF TRASH
RECEPTACLES, CONES AND
BARRICADES (HIGHWAY DEPT) AND 4
PORT-O-SANS (2 REG and 2 ADA)
(PARKS DEPT) AND LEND ASSISTANCE
WITH POLICE PERSONNEL/
COMMEMORATION OF THE 75TH
ANNIVERSARY OF THE BATAAN DEATH
MARCH/SATURDAY, APRIL 8, 2017

20. RESOLVED, that the Town Board hereby authorizes the Town of Orangetown Highway, Parks and Police Departments, to lend assistance which includes the use of trash receptacles, cones & barricades from the Highway Dept., (4) port-o-sans (2 Reg – 2 ADA)from the Parks Department, and Police personnel from the Police Department, for the "Commemoration of the 75th Anniversary of the Bataan Death March", on Saturday, April 8, 2017, from 9 am to 5 pm.

HIGHWAY

AUTHORIZE HIGHWAY DEPT HOST
21ST ANNUAL OPEN
HOUSE/SATURDAY, MAY 20, 2017

21. RESOLVED, that the Town Board hereby authorizes the Town of Orangetown Highway Department to host their 21st Annual Open House on Saturday, May 20, 2017, from 10:00 AM to 12:00 noon, to be held at the Highway Department Facility.

DEME

APPROVE CHANGE ORDER
#1/GENERAL CARBON
CORPORATION/CONTRACT # DEME-
47-2015/ACTIVATED CARBON MEDIA

22. RESOLVED, that upon the recommendation of the Commissioner of the DEME, approve Change Order #1 to Contract # DEME-47-2015, General Carbon Corp., in the amount of \$28,491.91. This represents the cost of additional carbon removal associated with replacing collapsed grated bed floorings in Vessels #1 through 6 at the Wastewater Treatment Plant. Original Contract Price: \$124,848.48; Revised Contract Price: \$153,340.39.

APPROVE/SEWER WORK 2017/
CERTIFICATE OF REGISTRATION

23. 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 2017 Sewer Work is approved to:

Paving Solutions, Inc., 51 Forest Road #316-243, Monroe, NY 10950
RR Plumbing Services Corporation, d/b/a Roto-Rooter, 525 Waverly Ave,
Mamaroneck, NY
S.H.F. Corporation, 23 Briarwood Drive, New City, New York 10956

FINANCE

PERMISSION GRANTED/GFOA
CONFERENCE 2017/FINANCE DEPT

24. RESOLVED, that permission is granted to the following Orangetown employees, to attend the 38th NYS Government Finance Officers' Association, Inc. Annual Conference in Albany, New York, March 28-31, 2017, at a cost of \$3,751.00 for lodging, membership and conference fees: Jeff Bencik, Janice Ganley, Natalie Schutter, and Stephanie Tassello.

NEW BUSINESS

REAPPOINT MICHAEL
MANDEL/BOARD OF
ETHICS/CHAIRPERSON

25. RESOLVED, that Michael Mandel is hereby reappointed Chairperson to the Orangetown Board of Ethics, for a period of 1-year, commencing on January 1, 2017 and expiring on December 31, 2017.

AMEND RESOLUTION No. 87 RTBM of
2/7/17/REAPPOINT LEONARD
FEROLDI/ALTERNATE MEMBER/1
YEAR/ZONING BOARD OF APPEALS

26. RESOLVED, to amend Resolution No. 87 (RTBM 2/7/2017) and hereby reappoint LEONARD FEROLDI as Alternate Member to the Orangetown Zoning Board of Appeals, for a period of one year, commencing January 1, 2017 and expiring on December 31, 2017.

NEW BUSINESS:

TOWN CLERK

ACCEPT/RECEIVE/FILE/ TOWN
CLERK'S OFFICE

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

1. 2017 Caretakers Agreements: Borst Park and Nike Park.
2. 2017 Libraries Agreements: Tappan, Palisades Orangeburg and Blauvelt.
3. 2017 Agreement: Blauvelt Volunteer Fire Company.
4. Minutes: January 24, 2017 and February 7, 2017 Regular Town Board Meeting minutes; January 25, 2017 Special Town Board Meeting minutes; and January 31, 2017 Workshop minutes.
5. Appliedgolf, LLC – Extension of Broadacres Golf Club Management Agreement (January 2017 – December 31, 2017).
6. Ramland Road Holdings, LLC – 36-Month Lease Agreement, Computer Data Back-Up.
7. 2017 Memorandum of Understanding with New York Sharks Aquatics.
8. 2017 Police Firing Range with the Town of Ramapo.
9. Term Sheet (signed) for the proposed Sale of Town Owned Property (RPC), 60.9 acres located between Convent Rd and Oak Street with JPMorgan Chase Bank.
10. Access Agreement, with JPMorgan Chase Bank, to access RPC property located between Convent Rd and Oak Street (60.9 acres).

TOWN BOARD

AUTHORIZE
EXPENDITURE/LANDSCAPE/WATERFRONT
PARK SERVICES/RPC

28. RESOLVED, that the Town Board authorizes the expenditure to issue an RFP for Landscape/Waterfront Park Services on RPC Property

(Draft Resolution - Legal Language to follow)

AUDIT

PAY VOUCHERS

1. 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 _____ warrants for a total amount of \$_____.

Adjournments at ___p.m. in memory of:

- Assunta "Tina" Castelli, Orangetown
- Brian D. Lennon, Pearl River, NY (Retired Police Officer for Village of Nyack)