

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, APRIL 4, 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:** Saturday, April 8<sup>th</sup>, 8:00 AM – 2:00 PM – Paper Shredding Event  
Town of Orangetown – Town Hall (Sponsored by the Rockland County Solid  
Waste Management Association)

Saturday, April 8<sup>th</sup>, 1:00 PM COMMEMORATION OF THE 75<sup>TH</sup> ANNIVERSARY OF  
THE BATAAN DEATH MARCH BATAAN ROAD; ORANGEBURG, NY beginning at  
Dutch Hill Road in front of Tappan Zee HS

**DISCUSSION:** Request for Proposals for a waterfront park at Lake Tappan on town-owned  
land at the Rockland Psychiatric Center site, to include designation of 216 acres  
of parkland on the RPC site

**PUBLIC COMMENT:**

**TOWN BOARD**

**PROMOTE FRANK BUHLER/POLICE SERGEANT/  
TOWN OF ORANGETOWN POLICE  
DEPARTMENT/EFFECTIVE APRIL 5, 2017**

1. **RESOLVED**, that upon the recommendation of the Chief of Police, promote Frank Buhler from Rockland County civil service list # 13041/72-028, to the position of Police Sergeant/Town of Orangetown, effective April 5, 2017 at a salary consistent with the labor agreement between the Town of Orangetown and Orangetown PBA.

**DETAIL BRANDON MYERS/DETECTIVE-YOUTH  
OFFICER/TOWN OF ORANGETOWN POLICE  
DEPARTMENT/EFFECTIVE APRIL 5, 2017**

2. **RESOLVED**, that upon the recommendation of the Chief of Police, and in accordance with the terms of section #13 of the Rockland County Police Act of 1936, as amended, detail Brandon Myers to the duties of detective/youth officer, effective April 5, 2017, at a salary consistent with the terms of labor agreement between the Town of Orangetown and the Orangetown PBA bargaining unit.

**SWEARING IN: Police Sergeant Frank Buhler and Detective/Youth Officer Brandon Myers**

**TOWN BOARD**

**OPEN PUBLIC HEARING ON PROPOSED LOCAL LAW PROPOSED LOCAL LAW, AMENDING CHAPTER 7A OF THE TOWN CODE RELATING TO PARKS AND PARK USE / CHERRY BROOK**

3. On motion of Councilman \_\_\_\_\_, seconded by Councilman \_\_\_\_\_, the public hearing on a proposed local law, amending the Code of the Town of Orangetown, Chapter 7A, §7A-13, relating to Town Parks and Park Use, removing Cherry Brook park from the list of Town parks subject to a non-resident fee, is hereby opened.

**CLOSE PUBLIC HEARING ON PROPOSED LOCAL LAW, AMENDING CHAPTER 7A OF THE TOWN CODE RELATING TO PARKS AND PARK USE / CHERRY BROOK**

4. On motion of Councilman \_\_\_\_\_, seconded by Councilman \_\_\_\_\_, the public hearing on a proposed local law, amending the Code of the Town of Orangetown, Chapter 7A, § 7A-13, relating to Town Parks and Park Use, removing Cherry Brook park from the list of Town parks subject to a non-resident fee, is hereby closed.

**DESIGNATION OF LEAD AGENCY AND DETERMINATION UNDER SEQRA WITH RESPECT TO PROPOSED LOCAL LAW, AMENDING CHAPTER 7A OF THE TOWN CODE RELATING TO PARKS AND PARK USE / CHERRY BROOK**

5. **RESOLVED**, that the Town Board hereby declares itself to be Lead Agency for environmental review with respect to a proposed Local Law, amending the Code of the Town of Orangetown, Chapter 7A, § 7A-13, relating to Town Parks and Park Use, removing Cherry Brook park from the list of Town parks subject to a non-resident fee, and, acting in such capacity, determines that such action will not have a significant adverse environmental impact, and, therefore, issues a Negative Declaration with respect thereto under the State Environmental Quality Review Act.

**TOWN BOARD**

**ADOPT LOCAL LAW NO. \_\_ OF 2017,  
AMENDING CHAPTER 7A OF THE TOWN CODE  
RELATING TO PARKS AND PARK USE /CHERRY  
BROOK PARK**

6. **RESOLVED**, that the Town Board hereby adopts proposed Local Law No. \_\_, of 2017, amending the Town Code of the Town of Orangetown, Chapter 7A, relating to Town Parks and Park Use, to delete § 7A-13B.(4)(a)[6], thereby removing Cherry Brook Park from the list of Town parks subject to a non-resident fee, as follows:

**LOCAL LAW NO. \_\_ OF 2017, AMENDING CHAPTER 7A, § 7A-13B OF THE TOWN CODE,  
RELATING TO USE OF TOWN PARKS AND NON-RESIDENT USE FEES**

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

*Section 1:* Chapter 7A § 7A-13 of the Town Code, relating to the use of Town Parks and Non-resident fees, shall be amended to delete § 7A-13B.(4)(a)[6], thereby removing Cherry Brook Park from the list of Town parks subject to a non-resident fee.

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

**POLICE**

**ACCEPT RESIGNATION/RETIREMENT/SGT  
CHRISTOPHER STRATTNER/POLICE  
DEPT/EFFECTIVE APRIL 5, 2017**

7. **RESOLVED**, that upon the recommendation of the Chief of Police, accept with regret, the resignation/retirement of Sgt. Christopher Strattner from the Orangetown Police Department effective April 5, 2017.

**ACCEPT RESIGNATION/RETIREMENT/SGT.  
JOHN PURCELL/POLICE DEPT/EFFECTIVE MAY  
29, 2017**

8. **RESOLVED**, that upon the recommendation of the Chief of Police, accept with regret, the resignation/retirement of Sgt. John Purcell from the Orangetown Police Department effective May 29, 2017.

**TOWN BOARD**

**AMEND RESOLUTION NO. 146/SET PH FOR  
MAY 2, 2017 AT 8:00 P.M./ ENTITY  
DISCLOSURE LAW**

9. **RESOLVED**, that the Town Board hereby amends Resolution No. 146 to set public hearing for the Entity Disclosure Law to be rescheduled to May 2, 2017 at 8:00 P.M.

**TOWN BOARD/TOWN ATTORNEY**

**AUTHORIZE SUPERVISOR TO SIGN LICENSE  
AGREEMENT/VERIZON/POLE ATTACHMENT  
AGREEMENT MUNICIPAL STREET LIGHTING**

10. **WHEREAS** the Town of Orangetown has entered an agreement with ORU to purchase street lights; and

**WHEREAS** approximately 985 of those fixtures sit on poles owned or co-owned by Verizon Communications; and

**WHEREAS** in order to complete the purchase of street lights the Town must enter into a Pole Attachment Agreement for Municipal Street Lighting with Verizon Communications, which calls for the Town to pay annually a fee of \$5.19 per pole, subject to future increases, if and as may occur, therefore

**BE IT RESOLVED THAT** upon the recommendation of the Town Attorney and the Supervisor, the Town Board authorizes the Supervisor to enter into and execute a Pole Attachment Agreement for Municipal Street Lighting and to execute any and all documents related to said agreement as may be required to effectuate this resolution and the prior resolutions approving the street light purchase.

**TOWN BOARD/TOWN ATTORNEY**

**VARIOUS AGREEMENTS/NY POWER  
AUTHORITY/ORANGETOWN STREET LIGHT  
CONVERSION TO LED FIXTURES**

11. **WHEREAS** upon completion of the purchase of street lights throughout unincorporated Orangetown from ORU the Town intends to convert the street lights to LED fixtures; and

**WHEREAS** the Town of Orangetown intends to enter into a Master Cost Recovery Agreement, a Capital Program Agreement, and an Advisory Services Agreement with the NY Power Authority (NYPA) for the purpose of managing and executing design, bidding of materials, labor, and installation of new LED street light fixtures at a cost to not exceed \$16,000; and

**WHEREAS** any bids gathered by NYPA for the procurement of materials and labor related to the conversion (light fixtures, etc.) are subject to approval by the Town of Orangetown, and,

**WHEREAS** should the Town decide to move forward, it will enter into a Customer Implementation Agreement with NYPA thereafter at an additional cost of 12.5% of the total project cost, yet to be determined (estimated at ~\$140,000); therefore

**BE IT RESOLVED** that the Town Board authorizes the Supervisor to enter into and execute any and all documents related to Master Cost Recovery Agreement, a Capital Program Agreement, and an Advisory Services Agreement with the NY Power Authority as reviewed and approved by the Town Attorney and to execute any and all documents related to said agreement as may be required to effectuate this resolution and the prior resolutions approving the street light purchase.

**TOWN BOARD**

**ACCEPT RESIGNATION/BRUCE JENSEN, JR./  
MEMBER OF ACABOR/EFFECTIVE APRIL 7, 2017**

12. **RESOLVED**, that the Town of Orangetown accepts with regret, the resignation of Bruce Jensen, Jr., as Member of the Architecture and Community Appearance Board of Review (ACABOR), effective April 7, 2017.

**TOWN ATTORNEY**

**ACCEPT/RECEIVE/FILE/ACCEPTANCE OF TWO  
DECLARATIONS OF COVENANT/ANNUAL  
INSPECTION AND MAINTENANCE OF STORM  
WATER CONTROL FACILITIES/ROUTE 304 LLC/  
HILLSIDE COMMERCIAL PARK PROJECT/  
PLANNING BOARD DECISION NO. 2014-27**

13. **RESOLVED**, that upon the recommendation of DEME and the Town Attorney's Office, accept, receive and file two Declarations of Covenant for the Annual Inspection and Maintenance of Storm Water Control Facilities from Route 304, LLC, for the Hillside Commercial Park project, Planning Board Decision No. 2014-27, and the Supervisor or his designee is hereby authorized to execute all documents necessary to effectuate the acceptance of the covenant on behalf of the Town.

**TOWN ATTORNEY**

**ACCEPT/RECEIVE/FILE/ACCEPTANCE OF  
DECLARATIONS OF COVENANT/ANNUAL  
INSPECTION OF STORM WATER CONTROL  
FACILITIES/BRIGHTVIEW LAKE TAPPAN, LLC  
AND THE RECREATIONAL ASSOCIATION OF THE  
JAMES H. ANDERSON POST #1199 AMERICAN  
LEGION, INC./SANITARY SEWER EASEMENTS**

- 14. RESOLVED**, that upon recommendation of the Department of Environmental Management and Engineering and the Town Attorney's Office, accept, receive and file Declarations of Covenant for the Annual Inspection of Storm Water Control Facilities from Brightview Lake Tappan, LLC, and The Recreational Association of the James H. Anderson Post #1199

American Legion, Inc.; as well as Sanitary Sewer Easements from the following persons/entities, all of which are related to the Brightview Lake Tappan project, 31 Hunt Road, Orangeburg, NY, Planning Board Decision Nos. 2015-40 and 2016-14:

1. The Recreational Ass'n of the James H. Anderson Post #1199 American Legion, Inc.
2. 67 Hunt Road, LLC
3. Keira B. Burtch
4. Claude P. Baumann

**And hereby** authorize the Supervisor or his designee to execute all documents necessary to effectuate the acceptance of these covenants and easements on behalf of the Town.

**TOWN BOARD/TOWN ATTORNEY**

**STREET NAMING/PRIVATE ROAD/RIVERVIEW  
LANE, NYACK (UPPER GRANDVIEW)**

- 16. WHEREAS**, there is a natural break in the length of Riverview Avenue resulting in there being two (2) sections of Riverview Avenue disconnected from each other; and

**WHEREAS**, the property owners located at the southernmost part of Riverview Avenue desire to officially designate their section of Riverview Avenue as a private road to assist first responders during response to an emergency; and

**WHEREAS**, the property owners have for years come to know the southernmost part of Riverview Avenue as Riverview Lane; and

**WHEREAS**, Rockland County 9-1-1 Emergency Services and the Rockland County Planning Department-GIS Division requires that such roads with addressable structures be formally named, and the United States Postal Service requires numbered and named street addresses for mail delivery; and

**WHEREAS**, the property owners have requested that said private road, as identified on the attached site map, be officially designated as Riverview Lane; and

**WHEREAS**, formally naming Riverview Lane as a unique private road would assist first responders when they are dispatched by the Orangetown Police Department to an emergency at the property owners address; and will aid the United States Post Office in delivery of mail to property owners thereupon; and

**WHEREAS**, the property owners expressly acknowledge that the private road shall not be owned nor maintained by the Town of Orangetown; and

**WHEREAS**, the property owners acknowledge that the Town of Orangetown has standardized requirements for street signs, and

**NOW THEREFORE BE IT RESOLVED** that the Town Board of the Town of Orangetown hereby authorizes and directs that the private road consisting of Orangetown Tax Lot Section/Block/Lot: 66.17-1-10, 66.17-1-20, 66.17-1-22, shall be forever named and known as "Riverview Lane", and all future maps depicting said area shall indicate the naming of this private roads as "Riverview Lane"; and authorizes and directs that any such street sign posted shall follow the Town of Orangetown Highway Department "Requirements for Street Sign Specifications" for posted speed limits not to exceed 30 mph sign."

**HIGHWAY/POLICE**

**AUTHORIZE HIGHWAY AND POLICE/LEND ASSISTANCE/PERSONNEL AND EQUIPMENT/MEMORIAL DAY PARADE, PEARL RIVER/ MONDAY, MAY 29, 2017**

17. **RESOLVED**, that the Town Board hereby authorizes the Town of Orangetown Highway & Police Departments to lend assistance, including personnel & equipment, as may be required, for the Memorial Day Parade in Pearl River on Monday, May 29, 2017, from 9:45 am to 11:45 am.

**AUTHORIZE HIGHWAY AND POLICE/LEND ASSISTANCE/PERSONNEL AND EQUIPMENT/MEMORIAL DAY PARADE, PALISADES- SPARKILL/MONDAY, MAY 29, 2017**

18. **RESOLVED**, that the Town Board hereby authorizes the Town of Orangetown Highway & Police Departments to lend assistance, including personnel & equipment, as may be required, for the Memorial Day Parade in Palisades/Sparkill on Monday, May 29, 2017, from 8:00 AM to 10:30 AM.

**HIGHWAY/PARKS**

**AUTHORIZE HIGHWAY AND PARKS/LEND ASSISTANCE/TRASH BARRELS FROM HIGHWAY, 3 PORT-O-JOHNS (1 ADA AND 2 REGULAR) FROM PARKS/PEARL RIVER HOOK & LADDER LADIES AUXILIARY CRAFT FAIR/FLEA MARKET/SUNDAY, MAY 7, 2017**

19. **RESOLVED**, that the Town Board hereby authorizes the Town of Orangetown Highway and Parks Departments to lend assistance which includes the use of trash barrels from the Highway Department & (3) port-o-johns (1 ADA & 2 Regular) from the Parks Department for the PR Hook & Ladder Ladies Auxiliary Craft Fair/Flea Market to be held on Sunday, May 7, 2017, from 10 am to 4 pm.

**HIGHWAY/POLICE/PARKS**

**AUTHORIZE HIGHWAY, PARKS AND POLICE/LEND ASSISTANCE/TRASH RECEPTACLES, FIELD CLEANUP, LARGE DUMPSTER , SNOW FENCE AND MESSAGE BOARD FROM HIGHWAY; SIX PORT-O-SANS (4 REG AND 2 ADA COMPLIANT) FROM PARKS DEPT; POLICE DETAIL FROM POLICE DEPT/PEARL RIVER PARKS AND ACTIVITY COMMITTEE FOR 4<sup>TH</sup> OF JULY FIREWORKS DISPLAY AND CELEBRATION/ TUESDAY, JULY 4, 2017**

20. **RESOLVED**, that the Town Board hereby authorizes the Town of Orangetown Highway, Parks Department and Police Department to lend assistance which includes the use of trash receptacles and field cleanup and large dumpster, snow fence and barricades and message board from Highway; Six port-o-sans (4 Regular and 2 ADA Complaint) from Parks Department; and police detail provided by the Police Department for the Pearl River Parks and Activity Committee, Inc., to celebrate the 4<sup>th</sup> of July Fireworks Display and Celebration on Tuesday, July 4, 2017 (rain date of Friday, July 7, 2017).



**HIGHWAY DEPARTMENT**

**AUTHORIZE SUPERVISOR TO SIGN AGREEMENT  
BETWEEN CORNELL COOPERATIVE EXTENSION,  
ROCKLAND COUNTY AND THE TOWN OF  
ORANGETOWN/NYSDEC C00386GG ROCKLAND  
COUNTY MS4 MAPPING GRANT**

**21. WHEREAS**, a NYSDEC Water Quality Improvement (WQIP) Round 12 grant has been issued through the Stormwater Consortium of Rockland County (SCRC) and Cornell Cooperative Extension, Rockland County (CCE); and

**WHEREAS**, the grant has been referenced as NYSDEC CONTRACT C00386GG 'ROCKLAND COUNTY MS4 GRANT'; and

**WHEREAS**, NYSDEC CONTRACT C00386GG 'ROCKLAND COUNTY MS4 GRANT' promotes enhanced mapping of the Municipal Separate Storm Sewer System (MS4); and

**WHEREAS**, CCE has entered into a sub-contract with the Rockland County Soil & Water Conservation District to manage all components, absent of fiscal duties, of NYSDEC CONTRACT C00386GG 'ROCKLAND COUNTY MS4 GRANT'; and

**WHEREAS**, CCE will strive to enhance MS4 mapping components for jurisdictions within the Stormwater Consortium, who remain in good standing, who choose to participate in NYSDEC C00386GG 'ROCKLAND COUNTY MS4 GRANT' through incorporating business enterprises and other resources as required, available, and needed per grant requirements to assist with the collection of data; and

**WHEREAS**, jurisdictions may choose to participate with CCE to promote enhanced mapping of the MS4 system through grant monies provided with NYSDEC CONTRACT C00386GG 'ROCKLAND COUNTY MS4 GRANT' with the commitment to fund 25% of the grant amount with Town funds or in kind services as obligated by the grant requirements; therefore be it

**RESOLVED** that the Town Board hereby authorizes the Town of Orangetown's participation in the Rockland County MS4 Grant with the commitment to fund 25% of the grant amount with Town funds or in kind services as obligated by the grant requirement; and be it further

**RESOLVED** that the Town Board hereby authorizes the Supervisor to execute any and all documents related to the administration of this action.

**DEME**

**APPROVE PURCHASE AGREEMENT WITH OPTIMUM CONTROLS CORPORATION/PUMP STATION TELEMETRY SYSTEM FIELD INVESTIGATION, INCLUSIVE OF THE WASTEWATER TREATMENT PLANT, AND SCADA UPGRADES/UP TO \$7500**

- 22. **RESOLVED**, that the Town of Orangetown, as recommended by the DEME Commissioner, enter into a Purchase Agreement with Optimum Controls Corporation to provide services as noted in Schedule A, inclusive of the Wastewater Treatment Plant, in an amount up to \$7500 and funded in the Town’s 2017 budget. This service will begin the work in determining the communication status and the updating the Cimplicity hardware and telemetry system at selected pump stations sites. This service will also assist in determining funding needed beyond the 2017 budgeted amount.

**NEW BUSINESS:**

**TOWN BOARD**

**APPROVE/PROJECT GRADUATION FUNDING**

- 23. **RESOLVED**, that upon the recommendation of the Director of Finance, Project Graduation funding is hereby approved as follows and charged to Account A4211.457:

Tappan Zee High School	\$1500	Pearl River High School	\$1500
Nanuet High School	\$750	Albertus Magnus High School	\$200
Nyack High School	\$750		

**TOWN BOARD**

**APPROVE ACCESS AGREEMENT, AUTHORIZING ACCESS TO TOWN OWNED LANDS AT HUNT ROAD, SUBJECT TO INSURANCE AND INDEMNIFICATION**

- 24. **RESOLVED**, that the Town Supervisor, or his designated representative, shall be authorized to sign an Access Agreement with representatives of a prospective purchaser, in a form suitable to the Town Attorney, and subject to insurance and indemnification requirements, allowing such party to enter upon Town owned lands at Hunt Road (Tax Lots: 73.15-1-17 & 73.15-1-17.1), in Orangetown, NY, in order to inspect and to conduct such tests, as may be reasonably be required, in contemplation of a purchase offer.

**HIGHWAY**

**AUTHORIZE HIGHWAY/LEND ASSISTANCE/USE  
OF BARRICADES/ MEMORIAL DAY PARADE,  
TAPPAN/MONDAY, MAY 29, 2017**

25. **RESOLVED**, that the Town Board hereby authorizes the Town of Orangetown Highway Department to lend assistance, which includes the use of barricades, for the Memorial Day Parade in Tappan, on Monday, May 29, 2017, from 10:30 am to 12:30 pm.

**TOWN BOARD**

**APPOINT TO ARCHITECTURE AND COMMUNITY  
APPEARANCE BOARD OF REVIEW/CHRISTOPHER  
DUNNIGAN/TO FILL THE REMAINDER OF TERM  
VACATED BY BRUCE JENSEN, JR./TERM  
ENDING DECEMBER 31, 2017**

26. **BE IT RESOLVED THAT** the Town Board hereby appoints Christopher Dunnigan to the Architecture and Community Appearance Review Board, effective immediately, to fill the vacancy left by the resignation of Bruce Jensen, Jr. Said term shall expire December 31, 2017.

**PARKS & RECREATION**

**APPROVE AGREEMENTS - NEW TURF SOCCER  
FIELD/OMM**

27. **RESOLVED**, that in furtherance of the License Agreement between the Town and the Orangetown Mighty Midgets Athletic Club, LLC (“OMM”), through which OMM is authorized to use and to improve the fields and other facilities at the Orangetown Soccer Complex, the Town Board hereby approves an Agreement between the Town and OMM (the “OMM Agreement”), permitting OMM to enter into a related Agreement with Sprinturf, LLC, a Georgia Limited Liability Company (“Sprinturf”), pursuant to which Sprinturf will install a new turf soccer field at the Orangetown Complex at the sole cost and expense of OMM, which field, upon completion, shall become the property of the Town. A copy of the OMM / Sprinturf Agreement made a part of the OMM Agreement; and

**BE IT FURTHER RESOLVED**, that the Supervisor or his designated representative shall be authorized to execute such Agreement with OMM.

**TOWN BOARD**

**2017 TOWN AND COUNTY TAX COLLECTION  
CLOSEOUT PROCEDURES**

- 28. WHEREAS** the Town Board has authorized the Town Clerk to execute all aspects related to the 2017 collection of Town and County Taxes with assistance from the Orangetown Finance Department, among others, while the Receiver of Taxes of the Town of Orangetown has been on medical leave since January 2017 and remains so; and

**WHEREAS**, the Office of the Receiver of the Town of Orangetown is required to follow Town and County Tax Collection Closeout procedures, required to be completed and delivered to the County no later than April 15, 2017; and

**WHEREAS**, the closeout requires, at a minimum, final reconciliation of funds received and disbursed; closing statement with corrections, paid/unpaid, and roll book included; final sign-off by the Receiver, who turns the collection over to the County; and final transfer to the Town of any ending balance; and

**WHEREAS**, financial best practices involves a segregation of duties and responsibilities, the involvement of the Director of Finance in the final closeout may be perceived as a lack of internal accounting controls, therefore be it

**RESOLVED**, that the Town Board hereby authorizes Jeffrey Bencik, Director of Finance, and his department to complete the final closeout of the 2017 Town and County Tax Collection as prescribed by the Rockland County Receiver. The Town Clerk will provide access and help as required.

**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 **2 warrants** for a total amount of **\$416,028.92.**

**Adjournments at \_\_\_\_ in memory of:** Frances Davis, Pearl River

Kyle Boyce, Son of Kim Allen, Supervisor's Office