

**TOWN OF ORANGETOWN REGULAR TOWN MEETING
Tuesday, June 6, 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

PRESENTATIONS - POLICE ITEMS WILL BE IN "NEW COURT ROOM":

- Presentation of the "Lt. Jack Lyman Auxiliary Police Service Award"
- Swearing in ceremony of Joseph Sullivan to Police Sergeant
- Swearing in ceremony of the detailing of David Maddalena to the duties of a youth/detective.
- Equalization Rates -Brian Kenney and Bill Beckmann

ANNOUNCEMENTS :

PUBLIC COMMENT:

AGENDA ITEMS:

TOWN BOARD

**AMEND ACCESS AGREEMENT
WITH RUSSO DEVELOPMENT, TO
INCLUDE AUTHORIZING ACCESS
TO TOWN OWNED LANDS AT 200
OLD ORANGEBURG ROAD**

1. **WHEREAS**, on April 4, 2017 the Town Board approved an Access Agreement for Russo Development to conduct environmental assessment of Tax Lot 73.15-1-17 pursuant to Russo's offer to purchase the land for data center development, and

WHEREAS, the Town is considering relocating public facilities from Tax Lot 73.15-1-17 to a portion of Tax Lot 72.12-1-3.1 on the RPC campus and needs Russo Development to provide certification of the location of wetlands and

hence the extent of building area at this site, therefore, be it

RESOLVED, that the Town Board authorizes the amendment of Schedule "A" of the Access Agreement to include 200 Old Orangeburg Road, Tax Lot 72.12-1-3.1.

**MUNICIPAL RESOLUTION IN
SUPPORT OF HUDSON RIVER
SLOOP CLEARWATER'S SAIL TO
WASHINGTON DC TO MAINTAIN
CLEAN WATER AND OTHER
ENVIRONMENTAL PROTECTIONS**

2. **WHEREAS** in 1970 Pete Seeger and the Hudson River Sloop Clearwater helped turn the tide in favor of enacting the 1972 Clean Water Act by sailing the Clearwater to Washington, DC and organizing an historic Capitol Hill forum on the need for federal clean water protections, where Seeger said,

"The problems of the American Rivers can't be solved by people . . . who live on them. Only the Federal Government has the power to enact and enforce the laws that are needed;" and

WHEREAS the Hudson River and many American waterways are much cleaner and safer as a result of the implementation of the Clean Water Act, as well as other state and national environment protection legislation and regulations; and

WHEREAS issues of serious water pollution still plague communities from Flint, Michigan to the City of Newburgh or the Village of Hoosic Falls in New York; and

WHEREAS a clean, safe and healthy environment is foundational for a strong economy; and

WHEREAS existing federal clean water protections, have recently been rolled back or are coming under threat from many quarters, including:

- Using the Congressional Review Act to undo the Stream Protection Rule, which previously protected waterways from surface coal mining pollution;
- Using the EPA rulemaking process to "repeal and replace" the Waters of the United States Rule, which extended Clean Water Act protections to 60% of U.S. streams and 20 million acres of wetlands, and these waters and wetlands will soon lose those protections if the Rule is undone;
- Proposed 31% cuts to EPA funding, including, among other things: a 45% cut in Categorical Grants to states for water protection programs; elimination of the \$427 million funding of the Great Lakes Restoration Initiative and other regional programs; a total estimated cut of \$1 billion in Office of Water programs; and

WHEREAS proposed cuts to Superfund would undermine Superfund cleanup

in 85 sites across New York State; and

WHEREAS federal water protections and robust EPA regulation and enforcement are vital to the environmental health of New York's waterways and to the safety of its drinking water; and

WHEREAS climate change is also a water quality issue and already impacts New York's waterways and drinking waters through more frequent and severe droughts and storms; and

WHEREAS many water quality issues, such as phosphorus loading of our lakes and streams, directly impact aquatic life and recreation, and will require increases in Federal funding for stormwater infrastructure; and

WHEREAS drinking water contaminants which jeopardize public health and safety are just being uncovered in many existing water systems, flat-funding Federal grants will not allow States and municipalities to implement drinking and waste water infrastructure projects needed for their prevention or remediation; and

WHEREAS these issues and threats affect not only all New Yorkers, but all Americans; and

WHEREAS the Sloop Clearwater will carry to Washington and deliver to federal officials a "cargo of concern" documenting the broad-based concerns of citizens, public interest groups, and municipal and state officials throughout New York about growing threats to our water and to federal clean water protections, and the need for sound, science-based water policy;

THEREFORE, BE IT RESOLVED that the Town of Orangetown hereby registers its deep concern over current rollbacks and threats to federal clean water protections as described above, affirms the need for sound, science-based water policy and for adequate regulation, enforcement and funding as pressure on water quality and safety continue to mount. We also wish to express our support for the effort Clearwater is leading to carry our concerns and concerns of many New Yorkers for clean water and other environmental protections directly to Washington.

TOWN CLERK

**RECEIVE AND FILE/INDEPENDENT
AUDITOR'S REPORT AND
STATEMENT OF CASH
RECEIPTS/JUSTICE COURT**

3. **RESOLVED**, that upon recommendation of the Justice Court Clerk, the Independent Auditor's Report and Statement of Cash Receipts, Cash Disbursements and Cash Balances for the year ended December 31, 2016 from PFK O'Connor Davies, LLP is hereby received and filed in the Town Clerk's Office.

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

4. **RESOLVED**, that the following documents are accepted, received and filed in the Town Clerk's Office:
1. Brightview Lake Tappan Senior Housing Title Insurance Policy (0-8911-732273) issued by Stewart Title Insurance Company and Sanitary Sewer Easements regarding The Recreational Ass'n of the James H. Hansson Post #1199 American Legion, Inc. (Instrument No. 2017-2457); 67 Hunt Road, LLC (Instrument No. 2017-2458); Keira B. Burtch (Instrument No. 2017-2459); Claude P. Baumann (Instrument No. 2017-2460).
 2. Agreement: Green Innovation Grant Program (GIGP#1308) w/NYS Environmental Facilities Corporation (EFC), dated 10/20/16; Home for Heroes Green Innovation Project CWSRF #C3-5345-08-00.
 3. Town Board Meeting minutes: April 4, 2017, May 2, 2017 & May 16, 2017 Regular Town Board Meetings; May 9, 2017 Police Commission and April 25, 2017, May 9, 2017 & May 23, 2017 Workshops.
 4. Hillside Commercial Park, Pearl River, Storm Water Maintenance Agreements (RC Instr. No(s). 2017-14024 & 2017-10425) for 68.11-3-39 & 40.

TOWN ATTORNEY:

**CONSENT JUDGEMENT/TAX
CERTIORARI/ ROCKLAND
COUNTRY CLUB V. THE
ASSESSOR OF THE TOWN OF
ORANGETOWN, ET AL.,**

5. **RESOLVED**, upon the recommendation of the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign the Consent Judgment regarding the tax certiorari proceeding Rockland Country Club v. The Assessor of the Town of Orangetown, et al., Tax Map designation 78.09-1-24 (380 Route 9W, Palisades) for the tax assessment years 2014 through 2016, for a total refund by the County of \$17,295, a total refund by the Town of \$50,546 and a total refund by the School District of \$253,894. 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.).

PARKS AND RECREATION

**APPROVE CONTRACT
EXTENSION/CHESTNUT RIDGE
TRANSPORTATION/
ORANGETOWN SUMMER CAMP**

6. **RESOLVED**, that pursuant to Paragraph 36 of the 2016 Bid Specifications for the 2016 Bus Transportation for the Orangetown Summer Day Camp, and by the attached letter dated May 19, 2017, Chestnut Ridge Transportation has agreed

to extend the Contract for the 2017 camp season, upon the same terms and conditions, including at the same cost to the Town. Therefore, upon the recommendation of the Superintendent of Parks, Recreation and Buildings, and subject to the delivery of updated insurance certificates, please prepare agreement extension between the Town of Orangetown and Chestnut Ridge Transportation for the 2017 Camp Season.

**APPROVE USE OF SHOWMOBILE/
VILLAGE OF NYACK/MOSTLY
MUSIC FESTIVAL/JUNE 27, 2017**

7. **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 Village of Nyack their Mostly Music Festival on Tuesday, June 27, 2017 at a rental cost of \$400.00 with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured

PERSONNEL

**RETIREMENT/JOHN GIARDIELLO,
DIRECTOR, OFFICE OF BUILDINGS,
PLANNING, ZONING
ADMINISTRATION AND
ENFORCEMENT/EFFECTIVE JULY
22, 2017**

8. **RESOLVED**, the Town Board accepts with regret the retirement of John Giardiello, Director of The Office Of Building, Planning, Zoning And Enforcement, effective July 22, 2017

NEW BUSINESS

**RESCIND RESOLUTION 288 OF
2017/SET PH/HISTORIC DISTRICTS/
AMENDING SECTIONS 12-3, 12-
4.(H), 12-5.(A)(3) AND 12-6.(A)(3)
AND TO AMEND CHAPTER 43,
ARTICLE III, SECTION 3.11 AND
THE RELATED GENERAL USE
REGULATIONS THERETO**

9. **RESOLVED**, that the Town Board hereby rescinds Resolution 288 of 2017, setting a public hearing on Tuesday, June 6, 2017 at 8:-05 PM on the Historic Districts/Amending Section 12-3, 12-4.(H), 12-5.(A)(3) and 12.6.(A)(3) and to amend Chapter 43, Article III, Section 3.11 and the related General Use Regulations thereto.

**HARDSHIP EXCEPTION/
TEMPORARY MORATORIUM ON
COMMUNICATIONS TOWERS,
MONO-POLES, ANTENNAS AND
OTHER TELECOMMUNICATIONS
FACILITIES AND STRUCTURES/
SKAE SITE PLAN ANTENNA/337
BLAISDELL ROAD**

10. **RESOLVED**, that the Town Board hereby approves the application for Hardship Exception to the Temporary Moratorium on Communications Towers, Mono-poles, Antennas and Other Telecommunications Facilities and Structures for the Skae Site Plan, Columcille Properties, LLC, 337-339 Blaisdell Road, Orangeburg, Section 78.08, Block 1, Lots 3 + 4 (to be combined)

**AUTHORIZING RESOLUTION/NYS
EFC CLEAN WATER GRANT
APPLICATION/IMPROVEMENTS TO
MEET REQUIRED TOTAL
RESIDUAL CHLORINE LIMIT**

11. **WHEREAS**, the Town of Orangetown in order to comply with the revised SPDES permit issued by the New York State Department of Environmental Conservation to the Orangetown Waste Water Treatment Plant requiring modification of the daily maximum final effluent Total Residual Chlorine (TRC) limit from 0.5mg/L to 0.10m/L, engaged a consulting engineer to prepare an engineering report detailing the design basis, treatment unit type and sizing that will be used to comply with the maximum daily limit of TRC;

WHEREAS, the Town of Orangetown intends to implement the design, equipment and treatment improvements detailed in the consulting engineer's report of April 2017 in order to be in compliance with the requirements of the revised SPDES permit issued by the NYS DEC;

WHEREAS, the State of New York, Environmental Facilities Corporation provides financial assistance to municipalities to upgrade waste water treatment systems through the New York State Water Infrastructure Improvement Act, Clean Water program;

WHEREAS, the Town of Orangetown intends to submit an application to the NYS Environmental Facilities Corporation for funding not to exceed \$193,750 to underwrite approximately 25% of the total project cost (25% of total project cost of \$775,000), and hereby authorizes the Supervisor, Andrew Y. Stewart, to submit the application.

NOW, THEREFORE, BE IT RESOLVED BY the Board of the Town of Orangetown:

1. That Andrew Y. Stewart, as Supervisor, is hereby authorized to file an application to the NYS Environmental Facilities Corporation for funding from the

New York State Water Infrastructure Improvement Act for Clean Water projects.

2. That the Town of Orangetown agrees that it will fund at least 75% of the cost of the Project and that funds will be available upon execution of the contract with the NYS Environmental Facilities Corporation.

**AUTHORIZE PAYMENT TO SYLVIA
WELCH, GRANT WRITER/EFC
GRANT REQUEST/TOTAL
RESIDUAL CHLORINE**

12. **WHEREAS**, the Town Board has previously approved the application to the NYS Environmental Facilities Corporation for \$193,750 in grant funding (25% of total project cost of \$775,000) for upgrading the town's wastewater treatment process to meet NYS DEC's regulations on Total Residual Chlorine in treated effluent,

RESOLVED, the Town Board authorizes the Supervisor to pay Sylvia Welch \$1105 (17 hours X \$65/hour), for the research, writing and submission of this EFC grant request, and to sign any related documents to obtain these funds.

AUDIT

PAY VOUCHERS

13. **RESOLVED**, upon the recommendation of the Finance Director, Jeff Bencik, the Finance Office is hereby authorized to pay vouchers for a total amount of two (2) warrants for a total of **\$2,141,320.96**.

ADJOURNMENT:

In Memory of:

Angelina Benicasa, Sparkill - mother-in-law of Michael Yannazzone; grandmother of P.O. Michael Yannazzone, Jr.

- Rae Hartman - sister of Donald Brenner

Robert Boyle - author, *Hudson River, A Natural and Unnatural History* (1969)

Joyce Edwards, Rockland County