



**TOWN OF ORANGETOWN REGULAR TOWN MEETING  
Tuesday December 03, 2019**

This Town Board Meeting was opened at 7:30 PM.

Councilman Denis Troy \_\_\_\_\_  
Councilman Thomas Diviny \_\_\_\_\_  
Councilman Paul Valentine \_\_\_\_\_  
Councilman Jerry Bottari \_\_\_\_\_  
Supervisor Chris Day \_\_\_\_\_

**Pledge of Allegiance to the Flag**

**ANNOUNCEMENTS:**

**New Online Streetlight Repair Request Form - Orangetown website under "How do I?"**

**Open Public Hearing / TBWS/RTBM of December 17, 2019 at 7:45 P.M. / Galway Bay Petition**

**Open Public Hearing / TBWS/RTBM of December 17, 2019 at 8:00 P.M. / Consideration of Approval / Map of Pearl River Fire District**

**Continue Public Hearing / TBWS/RTBM of December 17, 2019 at 8:05 P.M. / Proposed Zone Change for 576 Route 303 and Adjoining Properties (Bieber)**

**PRESENTATIONS:**

**Certificates to be presented to our Volunteers for the Tappan Hot Cocoa For Heroes Stand, the Nyack Hot Cocoa for Heroes Stand, and the Piermont Hot Cocoa for Heroes Stand that raised funds for the Rockland Homes for Heroes for the Holidays**

**John Murphy representing the Rockland GAA to present the Orange and Rockland's Employee's Friend of the Year to Siobhan Keane**

**Orangeburg Commons -- Petition for Zone Change (Geraldine N. Tortorella, Esq.)**

**Library Consolidation Efficiency Study Results (Presented by Orangeburg, Tappan, and Palisades Libraries)**

**DISCUSSION: WORKSHOP OF AGENDA ITEMS**

**PUBLIC COMMENT:**

**1 OPEN PUBLIC COMMENT PORTION**

RESOLVED, that the public portion is hereby opened.

SUMMARY OF PUBLIC COMMENTS:

**2 CLOSE PUBLIC COMMENT PORTION**

RESOLVED, that the public portion is hereby closed.

**AGENDA ITEMS:**

**TOWN BOARD**

**3 RESOLUTION TO ADOPT / 2020 TOWN BOARD MEETING CALENDAR**

RESOLVED, that the attached 2020 Town Board Calendar is hereby approved.

**SEE ATTACHED 2020 MEETING CALENDAR**

**4 RESOLUTION TO OPEN PUBLIC HEARING / RTBM DECEMBER 3, 2019 AT 7:45 P.M. / PROPOSED LOCAL LAW AMENDING ORANGETOWN CODE CHAPTER 12 (HISTORIC AREAS)**

RESOLVED, that the Public Hearing, to consider the adoption of a Local Law amending Chapter 12 of the Code of the Town of Orangetown, entitled Historic Areas, is hereby open.

PRESENTATION: Notice of Posting and Affidavit of Publication

SUMMARY OF COMMENTS:

5 **CONSIDERATION OF PROPOSED LOCAL LAW AMENDING ORANGETOWN CODE CHAPTER 12 (HISTORIC AREAS) IS A SEQRA TYPE II ACTION EXEMPT FROM ENVIRONMENTAL REVIEW, AND IS NOT SUBJECT TO NYS GENERAL MUNICIPAL LAW (GML) 239-m**

RESOLVED that, in accordance with subsections 25, 26, 33 and/or 34 of §617.5(c) of the implementing Regulations of the State Environmental Quality Review Act (SEQRA), as counseled by Dennis D. Michaels, Esq., Deputy Town Attorney, the Town Board hereby finds that this Local Law proposing the adoption of amendments to Orangetown Code Chapter 12 (Historic Areas), most recently revised on 11/18/2019 (the fifth version), is a SEQRA Type II Action, and, as such, is exempt from environmental review; and also finds that adoption of this proposed Local Law is not subject to the mandates of NYS General Municipal Law (GML) §239-m, since Chapter 12 is not the Orangetown Zoning Code, and, consequently, is not required to be referred to the Rockland County Planning Department for GML review.

6 **RESOLUTION TO CLOSE / CONTINUE PUBLIC HEARING / PROPOSED AMENDMENT TO ORANGETOWN CODE / CHAPTER 12, ENTITLED HISTORIC AREAS**

RESOLVED, that the Public Hearing, to consider the adoption of a Local Law amending Chapter 12 of the Code of the Town of Orangetown, entitled Historic Areas, is hereby closed or continued to \_\_\_\_ .

7 **RESOLUTION TO ADOPT OF LOCAL LAW NO. \_\_\_\_ OF 2019 / AMENDING ORANGETOWN CODE CHAPTER 12 (HISTORIC AREAS)**

WHEREAS, the Town Board of the Town of Orangetown ("Town Board" and "Town," respectively) is the duly elected legislative body of the Town, authorized to adopt Local Laws amending the Code of the Town of Orangetown ("Orangetown Code"), including amendments to Chapter 12 of the Orangetown Code (entitled Historic Areas); and

WHEREAS, the Town Board has considered the adoption of amendments to Orangetown Code Chapter 12, which said Orangetown Code provisions, as herein proposed to be amended ("Proposed Local Law"), are set forth below following this Resolution; and

WHEREAS, the Town Board found, by Resolution duly adopted, that this proposed Local Law is exempt from SEQRA environmental review as a Type II Action, and that this proposed Local Law is also not subject to the mandates of NYS General Municipal Law (GML) §239-m and not required to be referred to the Rockland County Planning Department for GML review; and

WHEREAS, the Town Board has complied with all public notice requirements as mandated by New York State (NYS) statute(s) and the Orangetown Code, and the proposed Local Law has been distributed to the Town Board as per NYS Municipal Home Rule Law §20(4), and a Public Hearing was duly held by the Town Board regarding the proposed Local Law.

NOW, THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE TOWN BOARD, AND THE FINDINGS MADE HEREIN, BE IT RESOLVED that the Town Board hereby adopts the proposed Local Law in the form and substance, as may be amended herein, as set forth;

**SEE ATTACHED PROPOSED LOCAL LAW**

**8 RESOLUTION TO ACCEPT GRANT FUNDING / SMART STREET LIGHTING NY GRANT PROGRAM / NEW YORK POWER AUTHORITY**

WHEREAS, as an enhancement to the Smart Street Lighting NY Program, the New York Power Authority (NYPA) has announced the Smart City Technology Grant Program ("Smart City Grant"); and

WHEREAS, the NYPA will support the planning and installation of Smart City sensor, hardware, and software technology as part of LED street lighting conversions; and

WHEREAS, the Town of Orangetown was one of the first New York municipalities to authorize agreement with the NYPA for the purpose of implementing the LED Street Lighting Conversion Project, following through with the installation of 2,200+ streetlights throughout town; and

WHEREAS, the Town has met all requirements that would make it eligible to receive the base grant amount of \$75,000.00, necessitating no additional monetary contribution from the Town; be it

RESOLVED, that the Town of Orangetown hereby authorizes participation in this statewide NYPA program and accepts the grant allocation of \$75,000.00 to implement pre-approved Smart City technology solutions. Grant funding will be spent on technologies aimed at the improvement of public safety as well as improvement to the town's response in tempering certain environmental factors and weather conditions. More specifically the grant will be allocated toward the purchase of smart camera equipment and a roadway thermal-mapping integration system; and

BE IT FURTHER RESOLVED, that the Supervisor or his designee is authorized to execute any and all documents necessary to accept and administer the grant in accordance with NYPA requirements, subject to review and approval of the Town Attorney's Office.

**TOWN BOARD / IT**

**9 RESOLUTION TO GRANT PERMISSION / IT DEPT / ATTENDANCE / 2020 LASERFICHE EMPOWER CONFERENCE / LONG BEACH, CA / FEBRUARY 11 - 14**

RESOLVED, that the Town Board hereby grants permission for Orangetown IT Department Employees, Anthony Bevelacqua and Matthew Lenihan, to attend the 2020 Laserfiche Empower Conference in Long Beach, CA to be held February 11 - 14, 2020, at a cost not to exceed \$2,500.00 for lodging and travel expenses, which are to be charged to Account No. A.1682.441.

**TOWN ATTORNEY**

**10 RESOLUTION TO RETAIN / TGKI LAW FIRM / PURSUE OPIOID LITIGATION**

WHEREAS, the Town of Orangetown has been notified that it is part of multi district litigation in the US District Court for the Northern District of Ohio regarding national prescription opiate litigation, as a part of a voluntary "Negotiation Class", through the County of Rockland, and that the Town could opt out of such class by November 22, 2019, and

WHEREAS, the the Negotiation Class webpage provides an allocation map that estimates, based upon population and opiate use, that if a settlement in the amount of \$1 Billion were to occur, the Town of Orangetown could receive approximately \$16,000.00, depending upon negotiations with Rockland County, and

WHEREAS, the law firm of Tate Grossman Kelly & Iaccarino, LLP (TGKI) has indicated that it has filed lawsuits for individual municipalities with respect to the opioid litigation, which provides for each municipality to have its own vote on settlement and the opportunity for a distribution greater than that provided for in the Negotiation Class, and

WHEREAS, TGKI has indicated that even with filing its own suit, the Town could remain "opted in" to the Negotiation Class, and the Town would have more control over the outcome of any proposed settlement, either through the Negotiation Class or on its own, and

WHEREAS, the proposed retainer agreement with TGKI provides that the Town will incur no out of pocket cost or fees, any such costs or fees would be deducted from any gross settlement amount, with TGKI receiving a contingency fee of 25% and if there is no recovery, the Town will not have to reimburse TGKI for any costs or expenses,

NOW THEREFORE BE IT RESOLVED, that the Town of Orangetown hereby agrees to retain the firm of TGKI to file and pursue a claim regarding the costs incurred by the Town as a result of the opioid epidemic, pursuant to the attached retainer, and authorizes the Supervisor or his designee to execute same, nunc pro tunc to November 22, 2019, subject to review and approval by the Town Attorney's Office.

**11 RESOLUTION TO APPROVE / SETTLEMENT OF CLAIM / STRUCTURE WORKS CONSTRUCTION**

RESOLVED, that, upon recommendation of the Town Attorney's Office, the Town Board hereby approves the settlement of a claim by Structure Works Construction, for the sum of Five Thousand One Hundred and Five Dollars (\$5,105.00) with respect to damage sustained as a result of the operation of a Town owned vehicle.

## **HIGHWAY / POLICE**

### **12 RESOLUTION TO APPROVE / LEND ASSISTANCE / 2019 SHARE CHRISTMAS /BRAUNSDORF PARK, PEARL RIVER / FRIDAY, DECEMBER 6**

RESOLVED, upon the completion of all documents, specifically a certificate of insurance to be supplied by the Rotary Club of PR, the Superintendent of Highways & Chief of Police, have forwarded approval to the Town Board to authorize these departments to lend assistance which includes, barricades, trash barrels & message board from the Highway Department & police detail from OPD, for the annual Share Christmas event to be held on Friday, December 6, 2019 (raindate: 12/13/19), at Braunsdorf Park, from 6pm - 10pm.

## **HIGHWAY**

### **13 RESOLUTION TO APPROVE / LEND ASSISTANCE / 2019 ANNUAL SANTA CLAUS 5K RUN / VETERANS MEMORIAL PARK, ORANGEBURG / SUNDAY, DECEMBER 8**

RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby authorizes the Highway Department to lend assistance which includes barricades & message board, for the Santa Claus 5K Run, to be held on Sunday, December 8, 2019, from 10 am - 12 pm at Veterans Memorial Park.

### **14 RESOLUTION TO APPROVE / LEND ASSISTANCE / 2019 JOHN PAULDING ENGINE COMPANY FUND DRIVE / FRIDAY, NOVEMBER 29 & SATURDAY, NOVEMBER 30**

RESOLVED, upon the recommendation from the Superintendent of Highways that the Town Board hereby approves this past event. The Highway Dept., assisted the John Paulding Engine Company, Sparkill, with (2) message boards for their annual fund drive, that was held at the firehouse on Friday & Saturday, November 29 & 30, 2019.

15 **RESOLUTION TO APPROVE / CHANGE FEES & OTHER CHARGES / TOWN CODE, CHAPTER 27 "ROAD EXCAVATIONS, DRIVEWAY & HEAVY HAULING"**

WHEREAS, Local Law No. 8-2011, authorizes the Town Board to change by resolution the fees and other charges under Chapter 27 of the Town Code, entitled "Road Excavations, Driveway and Heavy Hauling." The following changes are being proposed:

BE IT RESOLVED, that the permit fee under Article I. Regulations Relating to Utility, Town Code § 27-2 (B) Application; fee, shall be \$ 225.00, which includes first inspection.

BE IT FURTHER RESOLVED, that the charges under Article I. Regulations Relating to Utility, Town Code § 27-16; Rates for inspection, restoration and maintenance, shall be \$ 160.00 per inspection.

BE IT FURTHER RESOLVED, that the permit fee under Article II. Regulations Other Than Utility, Town Code § 27-20 (B); Application; fee, shall be \$ 225.00, which includes first inspection.

BE IT FURTHER RESOLVED, that the charges under Article II. Regulations Other Than Utility, Town Code § 27-37 (A); Rates for inspection, restoration and maintenance, shall be \$ 160.00 per inspection.

BE IT FURTHER RESOLVED, that the charges under Article II. Regulations Other Than Utility, Town Code § 27-37 (B); Rates for inspection, restoration and maintenance shall be \$ 160.00 per inspection.

BE IT FURTHER RESOLVED, that the charges under Article III. Regulations for Driveways and Construction of Connections to Town Roads, Town Code § 27-44 (A), Application fees for new driveway connections, shall be \$ 115.00, which includes first inspection.

BE IT FURTHER RESOLVED, that the charges under Article III. Regulations for Driveways and Construction of Connections to Town Roads, Town Code § 27-44 (B), Application fees for existing driveway connections, shall be \$ 115.00, which includes first inspection.

BE IT FURTHER RESOLVED, that the charges under Article III. Regulations for Driveway and Construction of Connections to Town Roads, Town Code § 27-46 (A), Road and street connections: permit, shall be \$ 115.00, which includes first inspection.

BE IT FURTHER RESOLVED, that the charges under Article III. Regulations for Driveway and Construction of Connections to Town Roads, Town Code § 27-46.1, Driveway inspection rates, shall be \$ 126.00 per inspection.

BE IT FURTHER RESOLVED, that the charges under Article IV. Regulations for Special Hauling, Town Code § 27-50 (B), Application for permit; fees, shall be \$ 125.00 for the application fee and the hauling fees are as follows: \$ 160.00 for a one month permit, \$ 315.00 six month permit and \$ 475.00 for a one year permit.

BE IT FURTHER RESOLVED that the Appendix to Chapter 27 of the Town Code should be amended to reflect these in permit fees and that these changes will become effective January 1, 2020.

16 **RESOLUTION TO AMEND / APPENDIX TO TOWN CODE, CHAPTER 27 "ROAD EXCAVATIONS, DRIVEWAYS AND HEAVY HAULING"**

RESOLVED, upon approval from the Town Board they hereby amend the appendix to Town Code, Chapter 27, entitled, "Road Excavations, Driveways and Heavy Hauling." Appendix to read as follows:

APPENDIX TO CHAPTER 27 OF THE TOWN CODE

Fees and Other Charges Relating to  
Road Excavations, Driveways and Heavy Hauling

§ 27-2 (B) Road opening permit \$ 225.00 (inc .1st inspection)  
(Utility companies)

§ 27-16 Road opening and restoration inspections \$ 160.00 (per inspection)  
(Utility Companies)

§ 27-20 (B) Road opening permit \$ 225.00 (inc. 1st inspection)  
(other than utility companies)

§ 27-23 (B) Road opening restoration deposits:

- Shoulder-to Shoulder openings (whole road) NO CHANGE
- Shoulder to Center Line (half road) NO CHANGE
- Shoulder only NO CHANGE
- Shoulder and paved sidewalk NO CHANGE

§ 27-37 (A) Road opening and restoration inspections \$ 160.00 (per inspection)  
(other than utility companies)

§ 27-37 (B) Road opening/restoration maintenance inspections \$ 160.00 (per inspection)  
(10 sq. yds. or less/other than utility companies)

§ 27-44 Road opening permit for driveway connections:

- (A) New driveways \$ 115.00 (inc. 1st inspection)
- (B) Existing driveways \$ 115.00 (inc. 1st inspection)

§ 27-46 (A) Road and street connection permit applications \$ 115.00 (inc. 1st inspection)

§ 27-46.1 Driveway inspections \$ 126.00

§ 27-50 (B) Special hauling permits:

- Application Fee \$ 125.00
- One month permit \$ 160.00
- Six month permit \$ 315.00
- One year permit \$ 475.00

BE IT FURTHER RESOLVED, that the Appendix to Chapter 27 of the Town Code should be amended to reflect said permit fee changes, which will be effective January 1, 2020.



**17 RESOLUTION TO APPROVE / CHANGE DROP OFF CENTER FEE / ACCEPTANCE OF NON-GREEN WASTE MATERIALS**

RESOLVED, that per approved 2020 budget, the annual fee for the Drop Off Center, for acceptable materials, other than green waste, shall be a charge of \$ 35.00, effective January 1, 2020. The first time use, other than green waste, for the current year, the Drop Off Center is free.

**POLICE**

**18 RESOLUTION TO APPROVE / NYS AGREEMENT / OPD PARTICIPATION IN POLICE SERVICES GRANT PROGRAM / GOVERNOR'S TRAFFIC SAFETY COMMITTEE**

RESOLVED, that the Town hereby agrees to participate in and enter into an agreement with the State of New York, through the Governor's Traffic Safety Committee, contract number T006440, to accept a grant of \$12,000.00 for use of the Orangetown Police Department with respect to traffic safety purposes as outlined more fully in the agreement, and authorizes the Town Supervisor or his designee to execute same.

**FINANCE**

**19 RESOLUTION TO RETAIN BOND COUNSEL / ORRICK, HERRINGTON, SUTCLIFFE LLP / DEVELOP OFFICIAL MUNICIPAL BOND RESOLUTIONS / 2020 CAPITAL IMPROVEMENTS NOT TO EXCEED \$9,966,027**

RESOLVED, that the Town Board authorizes the Finance Director to work with Orrick, Herrington, Sutcliffe LLP (Bond Counsel) to develop the official bond resolutions required to issue Municipal Bonds in an amount not to exceed \$9,966,027. The purpose of the bonds is to purchase capital equipment and make capital repairs to various Town owned facilities. The summary of the items is detailed below:

2020 Bonded Items

| Item                              | Amount      | Fund    | Department     |
|-----------------------------------|-------------|---------|----------------|
| Police Vehicles                   | \$415,600   | B.16    | Police         |
| Building Maintenance              | \$543,000   | A, B.17 | Building       |
| Maintenance Various Playgrounds   | \$855,000   | A       | Parks          |
| Blue Hill Repairs (Bunkers, etc.) | \$425,000   | E       | Blue Hill G.C. |
| Sewer Repairs                     | \$2,631,500 | G       | DEME           |
| Paving (2 years)                  | \$1,800,000 | D       | Highway        |
| Equipment (2 years)               | \$2,073,000 | D       | Highway        |
| Drainage Projects (2 years)       | \$500,000   | D       | Highway        |
| Fueling Station                   | \$189,927   | D       | Highway        |
| Sidewalk Projects                 | \$500,000   | D       | Highway        |
| New Screen                        | \$33,000    | B.17    | Building Dept. |
| Total                             | \$9,966,027 |         |                |

## **AUDIT**

### **20 PAY VOUCHERS**

RESOLVED, upon the recommendation of the Finance Director, Jeff Bencik, the Finance Office is hereby authorized to pay vouchers for a total amount of four (4) warrants for a total of \$1,428,643.95.

## **ADJOURNMENTS**

### **21 RESOLUTION TO ENTER EXECUTIVE SESSION / RE-ENTER RTBM / ADJOURNED / MEMORY**

RESOLVED, at \_\_\_\_ pm, the Town Board entered executive session, then re-entered the Regular Town Board Meeting and re-entered the Regular Town Board Meeting and adjourned in memory of:

Raymond Coyle, Resident of Pearl River