

**TOWN OF ORANGETOWN REGULAR TOWN MEETING
Tuesday, April 30, 2019**

This Town Board Meeting was opened at _____ p.m.

Councilman Denis Troy _____

Councilman Thomas Diviny _____

Councilman Paul Valentine _____

Councilman Jerry Bottari _____

Supervisor Christopher Day _____

Pledge of Allegiance to the Flag

APPOINTMENT CEREMONY:

**RESOLUTION TO ACCEPT WITH REGRET THE
RESIGNATION / RETIREMENT / CHIEF KEVIN NULTY /
POLICE DEPARTMENT / EFFECTIVE APRIL 30, 2019**

1. **RESOLVED**, that the Town Board hereby accepts with regret the retirement of Chief Kevin Nulty, effective April 30, 2019, after 43 years of dedicated service to the Orangetown Police Department.

**RESOLUTION TO APPOINT CAPTAIN
DONALD BUTTERWORTH / CHIEF OF
POLICE / EFFECTIVE MAY 1, 2019**

2. **RESOLVED**, that the Town Board hereby appoints Captain Donald Butterworth to the position of Police Chief, permanent, from RC List EL#16033, effective May 1, 2019, salary consistent with agreement with the Town Board.

**OFFICIAL SWEARING IN CEREMONY OF CAPTAIN
DONALD BUTTERWORTH TO POLICE CHIEF**

- 3.

ANNOUNCEMENTS :

2019 Military Tribute Banner Program - \$150.00 Sponsorship Fee, \$50.00 annual renewal fee - Banners (18" x 36") will be displayed between Memorial Day and Veteran's Day - Display areas include: Orangeburg Rd., Orangeburg (near Western Highway), Sparkill - Depot Square, & Downtown Pearl River - Banners can sponsored using the following website link: <http://militarytributebanners.org/current-programs/orangetown-ny.html>. All proceeds of the program will be used toward annual event/tradition to benefit our local veterans. Please e-mail supervisor@orangetown.com for more details.

Highway Department hosts their 23rd annual Open House to be held Saturday, May 18, 2019 from 10 AM to 12 Noon to be held at the Highway Department Facility, located at 119 Route 303, Orangeburg, NY.

The new **Recycle Coach App** (brought to you by the Rockland County Solid Waste Management Authority) is now available on the homepage of the Orangetown municipal website. Never miss a recycling pick up again! Recycle Coach is a **FREE** app that allows you to customize your recycling schedule and allows you to get important recycling information and instant notification reminders directly on your smartphone.

Public Meeting re: **West Washington Bridge Replacement (Pearl River)** to take place in the conference/multi-purpose room in the basement of Town Hall on Wednesday, May 29 at 7:30pm

PRESENTATIONS:

DISCUSSION:

WORKSHOP OF AGENDA ITEMS

PUBLIC COMMENT:

OPEN PUBLIC COMMENT PORTION

4. **RESOLVED**, that the public portion is hereby opened.

SUMMARY OF PUBLIC COMMENTS:

CLOSE PUBLIC COMMENT PORTION

5. **RESOLVED**, that the public portion is hereby closed.

AGENDA ITEMS:

TOWN BOARD

**RESOLUTION TO OPEN PUBLIC HEARING ON
TBWS/RTBM OF APRIL 30, 2019 at 8:05 P.M. /
PROPOSED ZONE CHANGE FOR 576 ROUTE 303 AND
ADJOINING PROPERTIES**

6. **RESOLVED**, that the public hearing is hereby opened.

PRESENTATION: Notice of Posting and Affidavit of Publication

SUMMARY OF COMMENTS:

**RESOLUTION TO CONTINUE PUBLIC HEARING TO
TBWS/RTBM of MAY 21, 2019 at 8:05 PM / PROPOSED
ZONE CHANGE FOR 576 ROUTE 303 AND ADJOINING
PROPERTIES**

7. **RESOLVED**, that the public hearing regarding the proposed zone change for 576 Route 303 and adjoining properties is hereby continued to TBWS/RTBM of May 21, 2019 at 8:05 PM.

**RESOLUTION TO OPEN PUBLIC HEARING ON
TBWS/RTBM OF APRIL 30, 2019 at 8:15 P.M. /
PROPOSED AMENDMENT TO FILM CODE**

8. **RESOLVED**, that the public hearing is hereby opened.

PRESENTATION: Notice of Posting and Affidavit of Publication

SUMMARY OF COMMENTS:

**RESOLUTION TO CLOSE PUBLIC HEARING ON
TBWS/RTBM of APRIL 30, 2019 /
PROPOSED AMENDMENT TO FILM CODE**

9. **RESOLVED**, that the public hearing is hereby closed.

**DESIGNATION OF LEAD AGENCY WITH
RESPECT TO PROPOSED LOCAL LAW NO. ___
OF 2018, AMENDING CHAPTER 14C OF THE
TOWN CODE AND DETERMINATION UNDER
SEQRA**

10. **RESOLVED**, that the Town Board hereby declares itself to be Lead Agency for environmental review with respect to a proposed Local Law No. ___ of 2019, amending Chapter 14C of the Town Code, entitled "Filming"; and further determines that such action is a Type II action pursuant to SEQRA, that the action will not have a significant adverse environmental impact, and, therefore, no further action is necessary with respect thereto under the State Environmental Quality Review Act.

**RESOLUTION TO ADOPT LOCAL LAW NO. ___ OF
2019, AMENDING CHAPTER 14C OF THE TOWN
CODE REGARDING COMMERCIAL FILMING IN THE
TOWN OF ORANGETOWN**

11. **RESOLVED**, that the Town Board hereby adopts proposed Local Law No. ___ of 2019, amending Chapter 14C entitled "Filming" of the Town Code, to provide for the regulating and permitting of commercial filming on public and private property in the Town of Orangetown.

[SEE ATTACHED PROPOSED LOCAL LAW]

RESOLUTION TO APPROVE FEE SCHEDULE / FILMING ON PRIVATE PROPERTY FILM / TV SHOOT / COMMERCIAL (PREP/WRAP/FILM DAY) / CHAPTER 14C OF THE TOWN CODE REGARDING COMMERCIAL FILMING

12. **RESOLVED**, that the Town Board hereby approves the following fee schedule filming on Private Property Film/TV Shoot/Commercial (Prep/Wrap/Film Day) under Chapter 14C of the town code regarding commercial filming in the Town of Orangetown:

Film/TV/Shoot, Prep & Wrap days:

\$600.00 per day/per location + \$500.00 an hour before or after filming hours + additional fees for police (if required). **FILMING HOURS:** Monday – Friday 8:00a.m. – 7:00 p.m.

Helicopter Usage:

\$1,500.00 Flat rate per day

Metered Parking Spots

1-50 Crew Members: \$50.00 Per Spot Per Day

50+ Crew Members: \$100.00 Per Spot Per Day

IRG Campus:

\$600.00 per day flat rate

Basecamp

\$300.00 Per Day. Per Location

*****EXCEPTIONS*****

Student Films/Short Films/Independent/Smaller Commercial Shoots:

1-10 Crew Members: \$200.00 Per Day/per location + \$50.00 an hour before or after filming hours + additional fees for police (if required).

11-20 Crew Members: \$300.00 Per Day/per location + \$75.00 an hour before or after filming hours + additional fees for police (if required).

20-50 Crew Members: \$400.00 Per Day/per location + \$100.00 an hour before or after filming hours + additional fees for police (if required).

50+ Crew Members: Standard fees.

**RESOLUTION TO SET PH / MAY 21 @ 8:15 P.M.
/ AMEND CHAPTER 39 OF THE TOWN CODE
ENTITLED "BICYCLING AND SKATING ON PUBLIC
STREETS"**

13. **RESOLVED**, that the Town Board hereby sets the public hearing for May 21, 2019 at 8:15 P.M. re proposed amendment to chapter 39 of the town code entitled "bicycling and skating on public streets."

**RESOLUTION TO SET PH / JUNE 18 @ 8:05 P.M. /
PROPOSED AMENDMENT TO TOWN CODE CHANGE
TO PREVENT COMMERCIAL ENTITIES WITH
DELINQUENT PROPERTY TAX STATUS FROM
OBTAINING NEW BUILDING PERMITS**

14. **RESOLVED**, that the Town Board hereby sets the public hearing for June 18, 2019 at 8:05 P.M. re proposed amendment to Town Code re: Prevention of commercial entities with Delinquent Property Tax Status from obtaining new building permits.

**RESOLUTION TO APPOINT MARGARET KIRWAN TO
FILL THE UNEXPIRED TERM OF ROGER PELLEGRINI /
MEMBER / BOARD OF ASSESSMENT REVIEW /
EFFECTIVE MAY 1, 2019 THROUGH DECEMBER 31,
2022.**

15. **RESOLVED**, that upon the approval of the Town Board, appoint MARGARET KIRWAN as Member of the Board of Assessment Review, to fill the unexpired term of Roger Pellegrini, for a term of May 1, 2019 through December 31, 2022.

**RESOLUTION TO APPOINT BETH CAHILL / MEMBER
/ BOARD OF ETHICS / TO FILL THE UNEXPIRED TERM
OF DR. MARGARET MARY FITZPATRICK / EFFECTIVE
MAY 1, 2019 THROUGH DECEMBER 31, 2021**

16. **RESOLVED**, that upon the approval of the Town Board, appoint BETH CAHILL, MA, as Member of the Board of Ethics, to fill the unexpired term of Dr. Margaret Mary Fitzpatrick, effective May 1, 2019 through December 31, 2021.

**RESOLUTION TO ESTABLISH A FARMERS
MARKET / APPROVE AGREEMENT /
ELEMENTAL EVENTS, LLC DBA VILLAGE
GREEN MARKETS / 2019 FARMER'S MARKET
MANAGER / PEARL RIVER**

17. **WHEREAS**, in the furtherance of the public interest and consistent with sustainability efforts, good eating habits, and providing a vast array of services for our residents, it would be appropriate to permit a weekly Farmers Market on Town Property for selected regional farmers and vendors to sell goods and produce grown in the Hudson Valley; and

WHEREAS, the Town has prepared a proposed Professional Services Agreement with Elemental Events, LLC to utilize Town owned North William Street between East Central Avenue and East Washington Avenue in Pearl River for the Farmers Market under the terms and conditions specified by the Town; and

WHEREAS, the Town has drafted a Standard License Agreement to be used in conjunction with the Farmers Market to permit Farmers/Vendors to sell fresh farm and related products under certain terms and conditions specified in the Professional Services and Standard License Agreements including a requirement that each Farmer/Vendor submit, as required, a Certificate of Insurance provided for in the proposed License Agreement; and

NOW THEREFORE BE IT, RESOLVED, that pursuant to New York General Municipal Law Section 72-p, the Town Board hereby establishes a Farmers Market, to be known as the "Pearl River Farmers Market", for public purposes for the benefit of the community, to be run in conjunction with the Pearl River Chamber of Commerce and located in downtown Pearl River, to be held as an event series on Sundays, May 19, 2019 through November 24, 2019, between the hours of 10 am and 3 pm, and **BE IT FURTHER RESOLVED**, that pursuant to the authority of GML 72-p, Town Board hereby authorizes the Supervisor to execute an Agreement, on behalf of the Town, as proposed and written, subject to final review and approval by the Town Attorney's Office, with Elemental Events, LLC, to provide professional services including but not limited to: operations, marketing, management, vendor recruitment, and scheduling of the Pearl River Farmers Market, subject to the approval of the Town Board, and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town Highway Department to assist in the implementation of the Pearl River Farmers Market which includes use of the Town road way at North William Street, between Washington Avenue and Central Avenue, barricades, water filled barriers, trash cans, dumpsters, and electronic message boards.

RESOLUTION TO APPROVE / 2019 HIGH SCHOOL PROJECT GRADUATION FUNDING

18. **RESOLVED**, that upon the recommendation of the Director of Finance, PROJECT GRADUATION funding for 2019 is hereby approved as follows and charged to Account A4211.457:

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

TOWN CLERK

RESOLUTION TO APPOINT / CHRISTOPHER J. GOLDRICK / FIREFIGHTER / BLAUVELT VOLUNTEER FIRE COMPANY

19. **RESOLVED**, upon the recommendation of the Blauvelt Fire Dept., CHRISTOPHER J. GOLDRICK is hereby appointed to the position of Firefighter, with the Blauvelt Volunteer Fire Company.

TOWN ATTORNEY

RESOLUTION TO APPROVE SETTLEMENT OF CLAIM / MARIE LUCAS / DAMAGE TO TOWN DRAIN PIPE

20. **RESOLVED**, that upon recommendation of the Town Attorney and Highway Department, the Town Board hereby approves the settlement of a claim by Marie Lucas, 30 Washington Place, Tappan, for the sum of Five Thousand Dollars (\$5,000.00) with respect to damage sustained at her property from a damaged Town drain pipe.

RESOLUTION FOR APPROVAL OF 2019 CERTIFICATE OF SEWER REGISTRATION

21. **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 2019 Sewer Work is approved to:

Harris Construction of Pearl River, Inc., 37 West Washington Avenue, Pearl River, NY 10965, Tel.: 845-735-3609

S.H.F. Corporation, 23 Briarwood Drive, New City, NY 10956, Tel.: 845-629-2353.

RESOLUTION TO APPROVE SETTLEMENT IN THE MATTER OF THE CLAIM OF R.R., AN INFANT, BY HIS PARENTS AND NATURAL GUARDIANS, WILLIAM AND CHRISTINE REDDY, AND WILLIAM AND CHRISTINE REDDY, INDIVIDUALLY

22. **RESOLVED**, upon the recommendation of the Office of the Town Attorney, approve and authorize Marshall Dennehey Warner Coleman & Goggin, the law firm retained to represent the Town in this matter, to fully and finally settle the above-referenced Claim for the sum of \$25,000.00, and to sign any and all legal instruments necessary to effectuate said settlement, subject to court approval of the settlement.

POLICE

RESOLUTION TO ACCEPT RESIGNATION / POLICE OFFICER RYAN EIRAND

23. **RESOLVED**, that upon the recommendation of the Chief of Police, accept the resignation of Police Officer Ryan S. Eirand from the Orangetown Police Department effective April 25, 2019.

RESOLUTION TO DECLARE SURPLUS EQUIPMENT / VEHICLE AND RADAR UNITS

24. **RESOLVED**, that upon the recommendation of the Chief of Police, the Town Board hereby declares the following items to be declared as surplus:

1. 2006 Ford Crown Vic 2FAHP71W16X127706
2. Kustom HR12 Serial #AA3542
3. Kustom HR12 Serial #AA3550
4. Stalker ATR Serial #SP008801
5. Kustom Talon Serial # T2570
6. Stalker ATR Serial # AT78364
7. Kustom Falcon Serial # FF12939

HIGHWAY

RESOLUTION TO APPROVE / LOCAL FIRE DEPARTMENTS / USE OF MESSAGE BOARDS TO DISPLAY RECRUITMENT & RETENTION PROGRAM

25. **RESOLVED**, upon the recommendation of the Superintendent of Highways, that the Town Board hereby approve the past use of message boards that were used for the recruitment and retention program for the local fire departments. The events were held on Saturday, April 27, 2019 & Sunday, April 28, 2019.

**RESOLUTION TO APPROVE /
ADOPT-A-SPOT AGREEMENT
MCMAHON FAMILY / 2
SICKLETOWN ROAD, PEARL
RIVER**

26. **RESOLVED**, that the Town of Orangetown, a municipal corporation, organized under the Town Law of the State of New York, which Town has a place of business at 26 Orangeburg Road, Orangeburg, NY, expressly authorizes and approves the Adopt-A-Spot Committee, a volunteer organization with Martin McMahon Jr., Una McMahon, Nora McMahon, Ashling McMahon, Orla McMahon, and Martin McMahon III as part of the Adopt-A-Spot Committee to contribute toward the development and maintenance of a more attractive and litter-free Town Highway R.O.W. segment as described in the Highway Work Permit as Town Property located at 2 Sickletown Road, Pearl River, NY, otherwise known as the "SPOT," by performing necessary and/or desired clean-up activities, as particularly set forth in and pursuant to the terms and conditions of the Town of Orangetown Highway Department Adopt-A-Spot Agreement between the Town of Orangetown Highway Department and "McMahon Family" Adopt-A-Spot Committee, Dated: April 30, 2019.

HIGHWAY / PARKS / POLICE

**RESOLUTION
TO APPROVE /
2019 GRAN
FONDO NY
RACE**

27. **RESOLVED**, upon the recommendation of the Superintendent of Highways, Parks and Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of cones, barricades & barrels from the Highway Department, the approval of the use of the Rail Trail from the Parks Dept., and detour signs & traffic control from the Police Dept., for the Gran Fondo race on Sunday, May 19, 2019, from 8 am - 3 pm.

**RESOLUTION TO APPROVE /
2019 ACS RELAY FOR LIFE /
CENTRAL AVENUE FIELD /
PEARL RIVER**

28. **RESOLVED**, upon the recommendation from the Superintendent of Highways, Parks and Chief of Police, that the Town Board hereby authorizes these departments upon completion of all necessary paperwork to lend assistance which includes the use of barricades, cones, trash barrels, caution tape, message board & recycling kiosks from the Highway Dept., use of the showmobile at a rental cost of \$ 400.00, as well as 3 regular & rental of 6 porta-johns (4 regular units, 2 ADA Compliant units) from the Parks Dept., & traffic & pedestrian control from OPD, for the ACS Relay for Life to be held on Saturday, June 8, 2019, from 2 pm - 12 am.

PARKS AND RECREATION

**RESOLUTION TO AWARD CONTRACT /
ACADEMY CONSTRUCTION OF TOTOWA,
NJ / ASBESTOS ABATEMENT / CHIEF BILL
HARRIS WAY PROPERTIES**

29. **RESOLVED**, upon the recommendation of the Superintendent of Parks and Recreation, Aric Gorton, the Town Board hereby awards the contract for asbestos abatement of three Town owned properties; 108, 109 & 110 Chief Bill Harris Way to Academy Construction of Totowa, NJ in the amount of: \$23,900.00 as per Rockland County Contract: 18-085.

DEME

**RESOLUTION TO GRANT PERMISSION /
VINCENT MATTHEW / ATTEND
WASTEWATER GRADE 4 MANAGEMENT
COURSE / MORRISVILLE, NY**

30. **RESOLVED**, that the Town Board hereby grants permission for Vincent Matthew to attend the Wastewater Grade 4 Management Course, Morrisville, NY, from August 27, 2019 – August 29, 2019 at a total cost of \$1,132.24 to be charged to the following accounts: 8130.441 and 8130.480.

**RESOLUTION TO AWARD BID /
ENVIRONMENTAL CONSTRUCTION, INC. /
BROOKSIDE AVENUE SANITARY SEWER
IMPROVEMENTS / SOUTH NYACK**

31. **WHEREAS**, the Commissioner of DEME duly advertised for sealed bids for the Brookside Avenue Sanitary Sewer Improvements (DEME-52-2018) in South Nyack, NY, which were publicly opened on March 28, 2019.

WHEREAS, Environmental Construction Inc., is the lowest qualified bidder in the amount of \$250,230.00.

NOW THEREFORE, BE IT RESOLVED, that upon the recommendation of Eamon Reilly, the Commissioner of DEME, this bid is hereby awarded to Environmental Construction Inc., Stony Point, New York, the lowest qualified bidder, in the amount of \$250,230.00.

AUDIT

**PAY
VOUCHERS**

32. **RESOLVED**, upon the recommendation of the Finance Director, Jeff Bencik, the Finance Office is hereby authorized to pay vouchers for a total amount of five (5) warrants for a total of \$2,906,299.83.

ADJOURNMENTS:

**RESOLUTION TO RE-ENTER RTBM /
ADJOURNED / MEMORY**

33. **RESOLVED**, at ____ pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of:

Carol McGrath, Former President of the Pearl River Rotary Club and resident of Pearl River

George Hackett, Veteran and Member of Raymond W. Demeola VFW Post 1650, Blauvelt, NY

William C. Urban, Resident of Pearl River, Husband of Jo Urban who served many years as a Senior Leader for the Town's Senior Citizen Advisory Committee