

**TOWN OF ORANGETOWN WORKSHOP MEETING
Tuesday, February 6, 2018**

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

ANNOUNCEMENTS :

- PUBLIC HEARING/RTBM OF FEBRUARY 13, 2018, 8:05 P.M./AMEND TOWN CODE/CHAPTER 26 OF THE CODE OF THE TOWN OF ORANGETOWN ENTITLED "PARKING METERS"
- PUBLIC HEARING/RTBM OF MARCH 13, 2018 AT 8:00 P.M./ ORANGEBURG COMMONS MIXED USE ZONING APPLICATION

PRESENTATIONS:

- COUNCILMAN DENIS TROY TO PRESENT CERTIFICATES OF RECOGNITION TO THE GIRL SCOUTS, TROOP 40125 AND TROOP LEADER FOR THEIR VOLUNTEER WORK AT THE CONWAY HOUSE.
- SUPERVISOR CHRIS DAY TO PRESENT PROCLAMATIONS FOR DECLARATION OF BLACK HISTORY MONTH IN THE TOWN OF ORANGETOWN TO HONORED RECIPIENTS

DISCUSSION:

- ZONE CHANGE AGREEMENT FOR IRA M. EMANUEL, TOWN PLAZA II TAX MAP 74.07-1-6
- DISCUSSION REGARDING APPOINTMENTS TO COMMITTEES AND BOARDS

AGENDA ITEMS:

TOWN BOARD

OPEN/CONTINUE PUBLIC HEARING/8:05

**PM/PROPOSED LOCAL LAW AMENDING
ORANGETOWN CODE §6-5 (CHAPTER 6, BUILDING
CONSTRUCTION ADMINISTRATION); AND
ORANGETOWN ZONING CODE (CHAPTER 43) §4.11,
§4.12 AND §4.13 (PERFORMANCE STANDARDS), AND
§10.222, §10.323, §10.334 AND §10.335
(ADMINISTRATION AND ENFORCEMENT)**

1. **RESOLVED**, that the Public Hearing, to consider the adoption of a Local Law amending the Code of the Town of Orangetown, Chapter 6, entitled Building Construction Administration, §6-5; and Chapter 43, entitled Zoning, Article IV, §4.1, entitled Performance Standards, and §4.11, §4.12 and §4.13 thereof, and Article X, entitled Administration and Enforcement, §10.222, §10.323, §10.334 and §10.335; is hereby open.

PRESENTATION: Notice of Posting and Affidavit of Publication

Summary of Public Comments:

PROPOSED LOCAL LAW NO. ____ OF 2018, AMENDING THE CODE OF THE TOWN OF ORANGETOWN, CHAPTER 6, ENTITLED BUILDING CONSTRUCTION ADMINISTRATION, §6-5; AND CHAPTER 43, ENTITLED ZONING, ARTICLE IV, §4.1, ENTITLED PERFORMANCE STANDARDS, AND §4.11, §4.12 AND §4.13 THEREOF, AND ARTICLE X, ENTITLED ADMINISTRATION AND ENFORCEMENT, §10.222, §10.323, §10.334 AND §10.335.

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

Section 1: Purpose: The Town Board ("Board") of the Town of Orangetown, New York ("Town") hereby finds that there is a critical and compelling need, in the public interests as set forth herein, to protect the health, safety and welfare of its residents to ensure that properties do not emit or cause to be emitted dangerous or objectionable levels of smoke, particulate matter, and odor. The objective of this local law is to clarify Chapter 43 (Zoning) § 4.163, § 4.164, and § 4.182 of the Code of the Town of Orangetown ("Orangetown Code"), relating to emissions, and to make related enforcement, procedural and administrative changes, including changes to Chapter 6 (Building Construction Administration).

Section 2: Chapter 6 (Building Construction Administration), § 6-5, of the Orangetown Code shall be amended, and, as amended shall read as follows:

§ 6-5 Duties and powers of the Building Inspector.

* * *

B. HeThe Building Inspector shall receive applications and issue permits for the erection, alteration, removal and demolition of buildings or structures or parts thereof, and shall examine the premises for which such applications have been received or such permits have been issued for the purpose of insuring compliance with laws, ordinances and regulations governing building construction.

C. HeThe Building Inspector shall issue all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to insure compliance during the entire course of construction with the requirements of such laws, ordinances or regulations. HeThe Building Inspector shall make all inspections which are necessary or proper for the carrying out of his duties, except that he may accept written reports of inspection from Building Inspectors, or other employees, of the Building Department Town of Orangetown's (hereinafter referred to as "Orangetown") Office of Building, Zoning and Planning Administration and Enforcement (hereinafter referred to as "OBZPAE"), or from generally recognized and authoritative reputable service and inspection bureaus, provided the same are certified prepared and signed by a qualified professional responsible official thereof.

D. Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable statutes, codes, laws, ordinances or regulations coveringrelating to building construction, he the Building Inspector may require the performance of tests in the field, or on-site of private property subject of a building permit application, by experienced, qualified professional(s) persons, or by accredited and authoritative reputable testing laboratories, or service bureaus or agencies.

E. Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable statutes, codes, laws, ordinances or regulations relating to the use, maintenance or occupancy of land or buildings, including, but not limited to, assuring compliance with the Performance Standards set forth in §4.1 of Chapter 43 (Zoning Code) of the Orangetown Code, and/or to assure compliance with the conditions of any applicable Orangetown land use board approval decisions, the Building Inspector may inspect, investigate and/or conduct tests, on-site of private property subject of a building permit application, which may include, with regard to the Performance Standards, inspecting, investigating and/or conducting tests while all mechanical equipment, machinery, installations and systems, that are appurtenant to the use that is subject to the Performance Standards, are in full operation. For purposes of said inspections, investigations and/or tests, the Building Inspector may engage, employ or retain the services of the Orangetown Department of Environmental Management and Engineering (hereinafter referred to as "DEME"), and/or expert consultants, to the extent, type and/or degree that the Building Inspector, DEME, and/or the expert consultants, deems necessary.

(i). If, as a result of the Building Inspector's said inspection, investigation and/or testing, relating to an alleged violation of, or non-compliance with, the Performance Standards (Zoning Code §4.1) on the part of any nonresidential use subject to the Performance Standards (hereinafter referred to as "industrial user"), the Building Inspector has reasonable grounds to believe that a violation, or non-compliance, exists, the Building Inspector shall notify the Zoning Board of Appeals of the occurrence or existence of such possible violation, or non-compliance, in accordance with Zoning Code §10.335.

(ii). If, after public hearing on due notice, in accordance with Zoning Code

§4.13, the Zoning Board of Appeals finds that a violation, or non-compliance, occurred or exists, and revokes and rescinds its Performance Standards (Zoning Code §4.1) approval decision, then the Building Inspector may revoke and rescind any Building Permit and/or Certificate of Occupancy that had been issued based upon such approval decision.

Section 3: Chapter 43 (Zoning) §4.1 Performance Standards shall be amended, and, as amended shall read as follows:

§ 4.1. Performance standards.

All references herein contained to certain standards which indicate a publisher and date are hereby deemed to mean the latest revised edition of such standard. Where a federal, state, county or local agency promulgates standards which are inconsistent with, or different from, those herein enumerated, the more restrictive standards shall control. Unless otherwise stated, all citations to statutory sections (“§”) are from Chapter 43, the Zoning Code, of the Code of the Town of Orangetown (hereinafter referred to as “Orangetown” and “Zoning Code”).

4.11. Applicable to all nonresidential uses. No land or building shall be used or occupied for a nonresidential use in any manner as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; electrical or other disturbance; glare; liquid or solid refuse or wastes; a condition conducive to the breeding of rodents or insects or other substance, condition or element, all referred to herein as “dangerous or objectionable elements,” in a manner or amount as to adversely affect the surrounding area. However, any nonresidential use, except those expressly prohibited by this code in §4.4, may be undertaken, and maintained, if it conforms to the district regulations, and the regulations of §4.1, Performance standards, limiting dangerous and objectionable elements at the point of determination of their existence as provided in this section §4.1.

4.12. Performance standards procedure. Only those uses specified in the Zoning Code Use Table, Columns 2, 3 and 4, as are subject to the performance standards procedure of §10.334, §4.12, are subject to performance standards procedure requiring the Orangetown Zoning Board of Appeals’ (hereinafter referred to as “ZBA”) approval as specified in §10.334 in obtaining a building permit or certificate of occupancy, or both (hereinafter referred to as “industrial user”), unless the Building Inspector has reasonable grounds to believe that any other proposed use, including any building or use accessory to a use subject to performance standards procedure, is likely to violate performance standards, in which event the applicant industrial user shall comply with the procedure in §10.334 in obtaining a building permit or certificate of occupancy, unless the ZBA Board of Appeals finds that compliance therewith is unnecessary.

4.13. Initial, and continued, enforcement provisions. Whether or not compliance with performance standards procedure in §10.334, in obtaining a building permit or certificate of occupancy, is required for any particular use,

(a). Initial, and continued, compliance with performance standards is required

of every new nonresidential use, or change in such use, including, but not limited to, §10.231(c), in all Zoning dDistricts, as provided in §10.335, for all nonresidential uses that are subject to §4.1. Pursuant, but not necessarily limited, to §4.13, §10.334(c) and §10.335, initial, and continued, compliance with the performance standards (§4.1) is required, and all building permits and certificates of occupancy, issued for a use subject to §4.1, is conditioned, and contingent, upon the industrial user conforming to the performance standards, and the industrial user's paying of the fees, to the Town of Orangetown, for services of Orangetown's own expert consultants deemed reasonable and necessary by Orangetown's Department of Environmental Management and Engineering (hereinafter referred to as "DEME"), Orangetown's Office of Building, Zoning and Planning Administration and Enforcement (hereinafter referred to as "OBZPAE"), and/or the ZBA, for said consultants' inspections, investigations, research, studies, tests, advice and/or reports relating to determining compliance with the industrial user's conformance to the performance standards (§4.1).

(b). The industrial user's initial, and continued, compliance with the performance standards (§4.1) shall include the following:

(i). Inspections, investigations and/or testing, on the industrial user's site, while all mechanical equipment, machinery, installations and systems, that are appurtenant to the use that is subject to the performance standards (§4.1), are in full operation, by OBZPAE, DEME, and/or the Orangetown-retained expert consultants, to the extent, type and/or degree that OBZPAE, DEME, and/or the Orangetown-retained expert consultants, deem necessary.

(ii). The industrial user's full, and complete, compliance with any and all laws, statutes, rules and regulations of the NYS Department of Environmental Conservation and federal Environmental Protection Agency, that also regulate the use that is subject to the performance standards (§4.1).

(iii). OBZPAE, DEME, and/or the Orangetown-retained expert consultants, shall investigate any alleged violation of, or non-compliance with, the performance standards (§4.1) by the industrial user, as per §4.13(b)(i); and, if there are reasonable grounds to believe that a violation, or non-compliance, exists, OBZPAE, DEME, and/or the Orangetown-retained expert consultant(s), shall notify the ZBA, in writing, of the occurrence, or existence, of a probable violation, or non-compliance, thereof. Upon receiving such notification, the ZBA may further investigate the alleged violation or non-compliance, if the ZBA deems it necessary in its discretion; and, for such further investigation, the ZBA may utilize, or retain, the services of OBZPAE, DEME, and/or the Orangetown-retained expert consultants. Thereafter, after holding a Public Hearing on due notice, including notice to the industrial user (except for posting of signs at the industrial user's subject site, which signs shall not be required), the fees for which Public Hearing shall be paid for by the industrial user, if the ZBA finds that a violation, or non-compliance, occurred or exists, the ZBA may revoke and rescind its performance standards (§4.1) approval decision, and any building permit and/or certificate of occupancy that has been issued, based upon such approval decision, shall also be deemed revoked and rescinded; which shall be in addition to any other legal remedies that the Town of Orangetown may pursue, including, but not necessarily limited to, prosecution

of violations in the Orangetown Justice Court pursuant to §10.2 and/or §10.6, and/or commencement of a civil action or proceeding in the NYS Supreme Court, pursuant to NYS Town Law §135(1) and/or §268(2).

* * *

4.163. Smoke. There shall be no emission and/or discharge into the atmosphere at any point from any chimney, stack, vent or otherwise, of visible black, gray or white smoke other than that caused by steam, of a shade darker than No. 1 on the Ringelmann Smoke Chart as published by the United States Bureau of Mines (Power's Micro-Ringelmann Chart, McGraw Hill Publishing Company, 1954, may be used), except that visible gray smoke of a shade not darker than No. 2 on said chart may be emitted for not more than four minutes in any 30 minutes. These provisions, applicable to visible gray smoke, shall also apply to visible smoke of a different color but with an equivalent apparent opacity., or exhibiting greater than 20 percent opacity (6-minute average) per EPA Method 9,.

Exceedance during two consecutive days requires the opacity producer to conduct EPA Method 9 analysis within two business days of occurrence – or evaluate Continuous Opacity Monitoring System(s) (COMS) during the same period. - and Aa facility-responsible person must notify the Town within one business day of receiving the assessment results, as well as provide any other credible evidence. The Town will evaluate compliance and determine further action.

4.164.(a) Fly ash, dust, fumes, vapors, gases and other forms of air pollution derived from combustion. There shall be no emission and/or discharge which can any cause damage to the health, to of humans or other animals, or vegetation, buildings or structures, or other forms of property, or which can cause any excessive soiling. of any point and in no event any emission from any chimney or otherwise of any solid or liquid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air at any point. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500° F. and 50% excess air.

Emissions related to combustion must comply with the standards and regulations set forth in the New York State Department of Environmental Conservation's 6 NYCRR Subpart 227-1, Stationary Combustion Installations, as amended and/or supplemented from time to time, as applicable.

4.164.(b) Ash, dust, fumes, vapors, gases and other forms of air pollution not derived from combustion. There shall be no emission and/or discharge which can cause any damage or injury to the health of humans and other animals, or vegetation, buildings or structures or other forms of property, or which can cause excessive soiling.

Emissions of air contaminants to the outdoor atmosphere from any process emission source or emission point are restricted in accordance with the New York State Department of Environmental Conservation's 6 NYCRR Subpart 212, Process Operations, as amended and/or supplemented from time to time,

as applicable.

* * *

4.181. Noise. At the specified points of measurement, The the sound-pressure level of noise radiated continuously from a facility at nighttime shall not exceed the values given in Table I in any octave band of frequency., in order to provide an environment free from noise that affects people's well-being and use, enjoyment and value of property, or that interferes with the repose of life, or would unreasonably or unnecessarily interfere with public health, safety, and welfare.

In the event of noise complaints arising from residents, commercial, or other Town inhabitants, the The sound-pressure level shall be measured with a sound-level meter and an octave band analyzer that conforms to specifications published by the equipment manufacturers, and such standards as published by the American National Standards Institute (ANSI), the American Society for Testing and Material, or other contemporary standards-establishing organization accepted in the United States. by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z24.3-1944, American Standards Association, Inc., New York, New York, and American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, American Standards Association, Inc., New York, New York, shall be used.)

Unless otherwise resolved with the Town, the owner or operator of the location/source of such elevated, complaint-producing noise, shall prepare and provide a Noise Monitoring Plan to the Town within 10-business days of written notice by the Town, and such Plan shall be implemented within 10-business days of Plan approval by the Town, and the written report of such monitoring shall be provided to the Town within 10-business days following completion of noise monitoring. Failure to meet noise compliance will result in cessation of the offending noise source until compliance is met. The Noise Monitoring Plan will employ "A-weighting" unless another weighting scale is more appropriate, and shall address:

- i) The number and location of monitoring sites;
- ii) The timing and frequency of surveys;
- iii) Methods and standards to be followed. This will include methods used to identify and remove measurement results for time periods affected by sound associated with any temporary events or activities (such as noise from non-related construction or other activities), and during periods where wind speeds exceed 5 m/s or the rainfall rate exceeds 6 mm/hour; and
- iv) Timeframes for monitoring and reporting to the Town in the event they are otherwise than stated in this Performance Standard.

TABLE I

Maximum permissible sound-pressure levels at specified points of measurement for noise radiated continuously from a facility between the hours of 10:00 p.m. and 7:00 a.m.

Frequency Band Cycles per second Sound Pressure Level Decibels
'A-weighted' scale (dBA) *

Re. 0.002 dyne/cm.2
20-75 69
75-150 54
150-300 47
300-600 41
600-1200 37
1200-2400 34
2400-4800 31
4800-10,000 28

* 'A-weighted' scale (dBA) is the filtering of sound measurement to account for the perceived loudness of noise not necessarily correlating with sound levels. Sound level meters set to A-weighting minimize low-frequency noise similar to the human ear, Sound intensity is measured in units of decibels, dB.

If the noise is not smooth and continuous and is not radiated between the hours of 10:00 p.m. and 7:00 a.m., one or more of the corrections in Table II below shall be added to or subtracted from each of the decibel levels given above in Table I.

TABLE II

Type of Operation of Character of Noise Correction in Decibels

Daytime operation only Plus 5

Noise source operates less than 20% of any one hour Plus 5*

Noise source operates less than 5% of any one-hour period Plus 10*

Noise source operates less than 1% of any one-hour period Plus 15*

Noise of impulsive character (hammering, etc.) Minus 5

Noise of periodic character (hum, screech, etc.) Minus 5

* Apply one of these corrections only.

4.182. Odors. No emission of odorous gases or other odorous matter in such quantities as to be offensive at the specified points of measurement. Any process which may involving the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established, as a guide in determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5, Air Pollution Abatement Manual, Copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C.

No person, entity or process will emit, or cause or allow to be emitted, There shall be no emission and/or discharge of objectionable odors or other matter present in the ambient air that, by itself or in combination with other odors, gases or vapors is offensive, foul, unpleasant or repulsive to olfactory reception, beyond the property borders of the emitting source.

Odor(s) will be deemed objectionable when documented assessment by the Town shows evidence that the odor likely could, or does, cause injury, detriment, nuisance or annoyance to persons or to the public, based on observations of the odor's nature, intensity, duration, location, and level of complaint.

Upon documented assessment by the Town of the existence of an objectionable odor the Town will notify the odor producing facility and direct that an Odor Control Plan acceptable to the Town be submitted that outlines the operational cause of the violation, chemistry of the offending odor(s), literature evidence of odor thresholds and impacts, methods proposed to mitigate the problem, and the schedule by which the Plan will be implemented and completed.

To enforce this Performance Standard, objectionable odors will be considered detected and a violation of this Section 4.182 when either:

(i) A Town inspector/code enforcement officer detects an objectionable odor;
or

(ii) The Town receives initially five (5) or more complaints from individuals, households or businesses within seven (7) days, or fifteen (15) or more complaints within a 30-day period. The Town's odor complaint records will include:

- a) Name, address, email and phone number of complainant.
- b) Time and date of call.
- c) Description of nuisance odor.
- d) Estimated location or source of complaint.
- e) If possible, prevailing wind or weather conditions observed
- f) If OBZPAE or DEME finds noncompliance, as per above (first bullet), then there shall be deemed noncompliance;
and

(iii) One (1) volume of the odorous air has been diluted with up to five (5) volumes of odor-free air and the odor is still perceptible, as measured by the Town through the use of reliable olfactometer field instruments, devices, or methods; and

Section 4: Chapter 43 (Zoning) § 10.2 Enforcement shall be amended, and, as amended shall read as follows:

* * *

10.222. Permits granted only in conformance with regulations.

A. No permit shall be issued unless the proposed construction of and use is are in full conformity with all the provisions of this this Zoning Ccode, and all other applicable land use and/or building statutes, codes, laws, ordinances or regulations. Any permit issued in violation of the provisions of this Zoning Ccode shall be null and void, and of no effect, without the necessity of any proceedings for revocation or nullification thereof, and any work undertaken, or use established, pursuant to any such permit shall be unlawful.

B. After the effective date of this this Zoning Ccode, division of any parcel of land shall conform to all the applicable bulk regulations, except as permitted under §5.21 of this Ccode.

C. The Inspector may revoke a permit theretofore issued, and approved, in the following instances:

(ai) Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans, drawings, plat

or specifications on which the permit was based;

(bii) Where he finds that the permit was issued in error, and should not have been issued in accordance with the applicable law(s);

(ciii) Where he finds that the work performed under the permit is not being prosecuted conducted in accordance with the provisions of the application, plans, drawings, plat or specifications; or

(div) Where the person to whom a permit has been issued fails or refuses to comply with a stop order issued by the Inspector.;

(v) Where he finds that the conditions of any applicable Orangetown land use board approval decisions have not been complied with.

D. Whenever the Inspector has reasonable grounds to believe that work on any land, building or structure is being prosecuted conducted in violation of the provisions of the any applicable land use and/or building statutes, codes, laws, ordinances or regulations, or not in conformity with the provisions of an application, plans, drawings, plat or specifications, or the conditions of any applicable Orangetown land use board approval decisions, on the basis of which a permit was issued, or in an unsafe and dangerous manner, he the Inspector shall notify the owner of the property, or the owner's agent, or the person performing the work, to suspend all work, and any such persons shall forthwith stop such work, and suspend all building activities, until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed, and may be served upon a person to whom it is directed either by delivering it personally to him, or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same by certified mail U.S. Postal Service First Class Mail.

E. If, after holding a Public Hearing on due notice, in accordance with Zoning Code §4.13, the Orangetown Zoning Board of Appeals finds that a violation of, or non-compliance with, the Performance Standards (Zoning Code §4.1) occurred or exists, and revokes and rescinds its Performance Standards approval decision, then the Building Inspector may revoke and rescind any Building Permit and/or Certificate of Occupancy that had been issued based upon such approval decision, in accordance with Zoning Code §4.13(b)(iii).

Section 5: Chapter 43 (Zoning) § 10.3 Board of Appeals shall be amended, and, as amended shall read as follows:

* * *

10.323. Findings and conclusions. After such public hearings, the Orangetown Zoning Board of Appeals (hereinafter referred to as "ZBA") shall make written findings of fact and conclusions concerning the subject matter of such hearing, including the reasons for the grant or denial of the relief sought. As to any proposed use, such findings of fact and conclusions shall be made concerning such use, as described and represented by the applicant. In addition, the ZBA Board of Appeals shall, in appropriate cases, impose additional conditions and

safeguards in granting a special permit or variance, or in approving an application requesting approval of conformance to the performance standards (Zoning Code §4.1), in harmony with the general purpose and intent of this the Zoning Code, and to ensure that such use is established and maintained in conformity with the special findings, and the additional requirements and conditions, upon which such permit, variance(s) or approval of conformance to performance standards (Zoning Code §4.1), is granted.

* * *

10.334. Permit for a use subject to performance standards procedure.

(a) Application. An application for a permit for a use subject to performance standards procedure shall be submitted to the Inspector in quadruplicate on a form prescribed by the Zoning Board of Appeals (hereinafter referred to as "ZBA"), which shall include, but not be limited to, a Resume of Operations, on a form prescribed by the ZBA, which shall be prepared, and signed, by a person who is qualified to answer the questions and submit documentation on behalf of the applicant; and shall be referred by the Inspector to the ZBA Board of Appeals. The ZBA may reject the Resume of Operations if the ZBA determines that it has not been prepared, and signed, by a qualified person, regarding which the ZBA may engage or retain expert consultants to advise the ZBA with respect to the qualifications of the preparer/signatory, the fees of which consultants shall be paid by the applicant. The applicant shall also submit in duplicate a plan of the proposed construction or development, including a description of the proposed machinery, operations, and products and specifications for the mechanism and techniques to be used in restricting the emission of dangerous and objectionable elements referred to in §4.1, in accordance with rules prescribed by the ZBA Board specifying the type of information required in such plans and specifications, and an affidavit by the applicant acknowledging his understanding of the applicable performance standards and agreement to conform with same at all times. No applicant will be required to reveal any secret processes, and any information submitted will be treated as confidential, if requested by the applicant. The fee for such application shall include the anticipated estimated costs of the special the ZBA's expert consultants' reports required to process it, described in Subsection (b) below.

(b) Report by expert consultants. The Board of Appeals, if there is the ZBA has any reasonable doubt as to the likelihood of conformance to the performance standards, the ZBA shall refer the application, for investigation and report, to one or more expert consultants selected by the ZBA Town Board as qualified to advise as to whether a proposed use will conform to the applicable performance standards specified in §4.1, in accordance with §4.13. The applicant shall be informed of the estimated costs for such investigation and report before such referral is made. Such consultant or consultants shall make such report within 30 days after his or their receipt of such application. A copy of such report shall be promptly furnished to the applicant.

(c) Decision of the Board of Appeals. At the next regular meeting of the ZBA Board of Appeals, but in no event more than 30 62 days after the ZBA Board has received the aforesaid expert consultants' report(s) and after the closing of the Public Hearing, or within such further period as agreed to by the applicant and ZBA, the ZBA Board shall decide whether the proposed use will conform to the applicable performance standards and, on such basis, shall authorize or

refuse to authorize the issuance of a permit or certificate of occupancy or require a modification of the proposed plan of construction. Such decision of the ZBA Board shall be in written the form of a written report, which shall be immediately filed in the office of the Orangetown Town Clerk and shall be a public record. Any permit or certificate of occupancy issued by the Inspector shall be conditioned on, among other things, the applicant's completed buildings, structures, and installations, machinery, equipment and appurtenances, in operation, conforming to the applicable performance standards, and the applicant's paying the fees for services of the expert consultant, or consultants, deemed reasonable and necessary by the ZBA Board of Appeals for advice as to whether or not the applicant's completed buildings, structures, and installations, machinery, equipment and appurtenances will, in operation, conform to the applicable performance standards.

10.335. Continued enforcement.

A. The Inspector shall investigate any alleged violation of, or non-compliance with, the performance standards (Zoning Code §4.1) on the part of any nonresidential use subject to the performance standards (hereinafter referred to as "industrial user");, and, if there are reasonable grounds to believe that a violation, or non-compliance, exists, he the Inspector shall notify the ZBA Board of Appeals of the occurrence or existence of a probable such possible violation or non-compliance thereof. The ZBA Board shall investigate the alleged violation, or non-compliance, in accordance with Zoning Code §4.13, and for such investigation may employ engage or retain qualified experts. If, after public hearing on due notice, in accordance with Zoning Code §4.13, the ZBA Board of Appeals finds that a violation, or non-compliance, occurred or exists, a copy of said findings shall be forwarded to the Inspector; and, in addition thereto, the ZBA may revoke and rescind its performance standards (Zoning Code §4.1) approval decision, and any building permit and/or certificate of occupancy that has been issued, based upon such approval decision, shall also be deemed revoked and rescinded Town Board. The services of any qualified experts, employed retained or engaged by the Town ZBA to investigate and report regarding an alleged advise in establishing a violation of, or non-compliance with, the performance standards, in accordance with Zoning Code §4.13, shall be paid for by the industrial user violator, if a violation, or non-compliance, is proved found by the ZBA, and otherwise by the Town. No new certificate of occupancy shall be issued, as provided in §10-236, unless such charges have been paid to the Town.

B. (i). Each and every year, beginning on a date that is between eleven and twelve months after the issuance of a certificate of occupancy that was issued pursuant to Zoning Code §4.1, every industrial user shall submit an affidavit to the Inspector, sworn to and signed, under oath, by a qualified professional, attesting that the operations, processes and methods, and the completed buildings, structures, installations, machinery, equipment and appurtenances, that were approved by the ZBA as part of a performance standards application, have not been altered, modified or changed, in any manner whatsoever, other than routine maintenance. If the Inspector determines that the said affidavit has not been executed by a qualified professional, the Inspector may reject the affidavit, or may engage or retain expert consultants to advise the Inspector with respect to the qualifications of the signatory, the fees of which consultants shall be paid by the industrial user.

(ii). If the operations, processes or methods, or the completed buildings, structures, installations, machinery, equipment or appurtenances, that were approved by the ZBA as part of a performance standards application, have been altered, modified or changed, in any manner whatsoever, other than routine maintenance, then the industrial user shall submit, to the Inspector, a new Resume of Operations, in form and substance as described in §10.334(a); and, in addition, the industrial user shall apply for performance standards approval, as per Zoning Code §4.1, if determined to be necessary by the Inspector. In making such determination, the Inspector may engage or retain expert consultants to advise the Inspector with respect to such alterations, modifications or changes, the fees of which consultants shall be paid by the industrial user.

Section 6: This local law shall become effective immediately upon filing with the Secretary of State.

**ADJOURN/CLOSE PUBLIC HEARING/PROPOSED
LOCAL LAW AMENDING ORANGETOWN CODE §6-5
(CHAPTER 6, BUILDING CONSTRUCTION
ADMINISTRATION); AND ORANGETOWN ZONING CODE
(CHAPTER 43) §4.11, §4.12 AND §4.13 (PERFORMANCE
STANDARDS), AND §10.222, §10.323, §10.334 AND
§10.335 (ADMINISTRATION AND ENFORCEMENT)**

2. **RESOLVED**, that the public portion is hereby adjourned/closed.

**ISSUE NOTICE OF INTENTION TO DECLARE SEQRA
LEAD AGENCY / PROPOSED LOCAL LAW AMENDING
ORANGETOWN CODE §6-5 (CHAPTER 6, BUILDING
CONSTRUCTION ADMINISTRATION); AND
ORANGETOWN ZONING CODE (CHAPTER 43) §4.11,
§4.12 AND §4.13 (PERFORMANCE STANDARDS), AND
§10.222, §10.323, §10.334 AND §10.335
(ADMINISTRATION AND ENFORCEMENT)**

3. **RESOLVED**, that in considering adoption of text amendments to: (a) Orangetown Code §6-5 (Chapter 6, Building Construction Administration), (b)

Orangetown Zoning Code (Chapter 43) §4.11, §4.12 and §4.13 (Performance Standards), and (c) Zoning Code §10.222, §10.323, §10.334 and §10.335 (Administration and Enforcement), in accordance with the implementing Regulations of the New York State Environmental Quality Review Act ("SEQRA"), found at Title 6, NYCRR, Part 617, the Town Board has determined that this land use action:

- (i) is subject to SEQRA;
- (ii) is preliminarily classified as an Unlisted Action;
- (iii) only Involves the Town Board, and the Rockland County Department of Planning;
- (iv) shall require preparation and submission by the Town Board of Part 1 of the Short Environmental Assessment Form (i.e., "EAF");
- (v) is not located within an Agricultural District;
- (vi) shall undergo Coordinated Review pursuant to SEQRA Regulation 6 NYCRR §617.6(b)(3); and
- (vii) the Town Board intends, at a future meeting, to adopt a motion to Declare the Town Board as SEQRA Lead Agency in the environmental quality review of this proposed land use action, pursuant to Coordinated Review, as per SEQRA Regulation 6 NYCRR §617.6(b)(2), because the Town Board believes that it is the most appropriate Lead Agency pursuant to the criteria for determining Lead Agency as found at 6 NYCRR §617.6(b)(5)(v).

Therefore, the Town Board hereby Resolves to issue its Notice of Intention to serve as SEQRA Lead Agency, and to transmit said Notice to all Involved Agencies.

REFERRAL TO ROCKLAND COUNTY PLANNING DEPARTMENT, AND TO ORANGETOWN PLANNING BOARD, OF PROPOSED LOCAL LAW AMENDING ORANGETOWN CODE §6-5 (CHAPTER 6, BUILDING CONSTRUCTION ADMINISTRATION); AND ORANGETOWN ZONING CODE (CHAPTER 43) §4.11, §4.12 AND §4.13 (PERFORMANCE STANDARDS), AND §10.222, §10.323, §10.334 AND §10.335 (ADMINISTRATION AND ENFORCEMENT)

4. **RESOLVED**, that the Town Board's consideration of the adoption of a Local Law amending the Code of the Town of Orangetown, Chapter 6, entitled Building Construction Administration, §6-5; and Chapter 43, entitled Zoning, Article IV, §4.1, entitled Performance Standards, and §4.11, §4.12 and §4.13 thereof, and Article X, entitled Administration and Enforcement, §10.222, §10.323, §10.334 and §10.335; is hereby referred to the Rockland County Department of Planning, pursuant to NYS General Municipal Law §239-m, and to the Orangetown Planning Board, pursuant to Orangetown Zoning Code

§10.51.

**OPEN/CONTINUATION OF PUBLIC HEARING AT
WORKSHOP OF FEBRUARY 6, AT 8:15 P.M. RE:
PROPOSED LOCAL LAW AMENDING TOWN CODE
CHAPTER 43, ENTITLED ZONING – REGULATIONS OF
DEVICES IN PUBLIC RIGHT-OF-WAYS AND
EASEMENTS (*Adjourned from RTBM 12/19/17 Res. 616*)**

5. **RESOLVED**, that the public hearing is hereby opened and continued.

PRESENTATION: Notice of Posting and Affidavit of Publication.

Summary of Public Comments:

Chapter Zoning

Article _ Other Regulations

§ .Regulation of Devices in Public Right-of-Ways and Easements

I. GENERAL PROVISIONS

A. Legislative purpose and intent.

(1) The Town Board of the Town of Orangetown, New York (the "Town") finds that uses in the public right-of-ways, easements, and other non-private property areas (collectively the "Areas") impacting upon the traveling and residential public within the Town must be lawfully regulated to protect the public health, safety, and welfare of all residents as well as those traveling and otherwise using the Areas.

(2) The Town also finds that there have been unregulated and unmonitored non- temporary non-utility third-party devices ("Non-Utility Devices") being attached to utility poles owned by utility entities as defined by the New York State Transportation Corporation Law and located in such Areas ("Utility Poles" and "Utility Entities").

(3) The Town also finds that certain Utility Entities have instituted their own process by which they have permitted various Non-Utility Devices on Utility Poles in Areas throughout their area of operations and have applied these processes in a manner that has not been consultative with local municipalities and mayor may not have already have occurred in areas within the Town itself.

(4) The Town Board also finds that Utility Entities have permitted and/or continue to permit the placement of various Non-Utility Devices, inclusive of private security cameras, in Areas throughout the TOW11, and that such private security cameras present issues dealing with potential unlawful surveillance as well as the invasion of any right or expectation of privacy to

individuals traveling in or about the Areas and that regulation of such security cameras and related Non-Utility Devices is essential to secure the public health, safety, comfort, and welfare of the Town's inhabitants.

(5) The Town also finds that certain utility devices are attached to Utility Poles by Utility Entities are used to provide important and necessary public for the transmission of electrical or other currents services (collectively "Utility Devices"), which, if not protected by a covering, could present a public health, safety, or welfare concern to those who may come in contact with such wires or other devices and therefore the regulation of such wires or other devices used for Utility Devices must be distinguished from any wires or devices being utilized only for Non-Utility Devices purposes.

(6) This Regulation is additionally intended to be certain that all uses of the public spaces owned or controlled by the Town are properly assessed and documented at all times under the Real Property Tax Law of the State of New York.

(7) This Regulation is intended also to protect public safety, enhance and protect the physical appearance of the community by avoiding excess unregulated objects in the public space, and promote consistence in the installation of any Devices as set forth herein .

B. Definitions. For the purpose of this Section, the following definition shall apply:

ASSESSOR:

This refers to the Town's Office of Assessor pursuant to Chapter 3 of the Town Code and who is in charge of determining the fair market value of all utility and other similar easements, right-of-ways or other property interests in the Town that are subject to taxation pursuant to the Real Property Tax Law of New York State.

CODE ENFORCEMENT OFFICER:

This refers to the Town's Office of Building, Zoning and Planning Administration and Enforcement pursuant to Chapter 6A of the Town Code and any Code Enforcement Officer, Building Inspector or any Assistant Code Enforcement Officer or Assistant Building Inspector having jurisdiction over the enforcement of any Zoning Codes, Building Codes or other Codes in the Town.

EASEMENT:

An easement is a incorporeal interest in real property.

INSTALLER:

This refers to any individual, entity, company, corporation or others who are hired, volunteer or otherwise are involved with the installation and maintenance of any Non- Utility Devices as defined herein. Said installer shall be appropriately licensed by the County of Rockland

Department of Consumer Affairs so that all appropriate insurance and other protections for the public are in place and duly filed with the Town Clerk before any installation, maintenance, and/or other work can be done herein. All such documents with regard to the installer shall be attached to any application for a prior Permit herein.

NON-UTILITY DEVICES:

A permanent non-utility device is any thing, object or other physical apparatus to affix to or between a pole or poles, structure or other places, by any nails, clips, fasteners, wire, string or other such object, including but not limited to, lechis, plastic strips, metal, wooden or other material that is used and/or intended to be used for more than 31 consecutive days. This definition excluded cameras.

NON-UTILITY DEVICE - SECURITY CAMERA:

Any equipment affixed in any manner to a Utility Pole Of Utility Device that is used or intended to be used to observe, record, transmit or otherwise monitor the activities of anyone within public right-of-ways Of public easement areas in which any member of the public can be recorded, photographed or otherwise have any image captured which equipment has not been authorized and approved by the Police Department for the Town of Orangetown for law enforcement security purposes.

PERSON:

"Person" means any individual, corporation, partnership, limited liability corporation, joint venture, profit or not-for-profit entity or other person, firm, owner, leasee, agent or employee whether corporate or otherwise.

PERMIT HOLDER:

Permit holder shall include the person or entity making the application, the person or entity to whom the permit is granted and also the owner of the right-of-way or easement or other right or interest within to which any Non-Utility Devices as defined herein is or is proposed to be attached.

RIGHT-OF-WAY:

Any recorded or non-recorded instrument, document or other tangible compilation of data that purports to provide certain rights to utilize any public areas within the streets, highways, side-walks or other similar areas where the public or others may travel upon or utilize at any time, including but not limited to, public and private utility easements.

STREET:

The term "Street" as used herein also includes a highway, road, avenue, roadbeds, lane or alley which the public have a right to use in whole or in part. The term "pavement" includes a macadam, asphalt, brick, concrete or other similarly improved roadbed, and is only applied to the portion of the street between the sidewalks or established curb lines.

UTILITY COMPANY:

This refers to any public or private utility company or other entity that has obtained any rights-of-way or easements to construct, erect or otherwise place utility and/or Utility

Devices along any right-of-ways or easement areas within streets or roads of the Town. This shall also refer to any entity that has received a Permit or franchise pursuant to Town Law Section 4-406 and utility entities as defined by the New York State Transportation Corporation Law.

UTILITY POLE:

This refers to utility poles owned by Utility Companies as defined by the New York State Transportation Corporation Law and located in public streets, easements and/or right of ways.

UTILITY DEVICES:

Any material or compilation or flexible or rigid materials that is utilized to actually carry electrical current no matter what voltage and such definition of wire shall also include any protective outer covering that is utilized in connection with such activity. The word "wire" shall also include any devices used to attach the wire or otherwise convert to the existing wire or wires in the Area and as used and/or installed by a Utility Company.

II. REGULATION OF NON-UTILITY DEVICES -- SECURITY CAMERAS

herein.

This Section applies exclusively to Non-Utility Devices - Security Cameras as defined

No Non-Utility Devices - Security Camera shall be erected, maintained, installed or otherwise placed or kept in place on any Utility Pole or in any public right-of-way and easement areas unless said placement and maintenance is at the written direction of the Town of Orangetown Police Department for public security purposes. Without such written direction from the Town of Orangetown Police Department, anyone who installed, places, maintains or otherwise causes such security camera to be so placed shall be guilty of a misdemeanor subject to imprisonment or up to one year and a fine of not more than \$50,000.

III. REGULATION OF NON-UTILITY DEVICES AND UTILITY DEVICES

herein.

This Section applies exclusively to Non-Utility Devices and Utility Devices as defined

No Non-Utility Devices and Utility Devices as defined herein shall be installed, maintained, placed, or otherwise continue to exist except as

set forth herein:

A. Permit required for Non-Utility Devices.

(1) Except as provided herein, it shall be unlawful for any person to install, erect, move, alter, redesign, enlarge or reconstruct any Non-Utility Devices or cause to be erected, moved, altered, redesigned, enlarged, relocated or reconstructed any Non-Utility Devices without first having obtained a permit from the Building Department to do so. Any such Non-Utility Devices that are to be erected or placed on a pole, building, structure or other location by any person shall be required to have a permit approved by the Town Code Enforcement Officer before any such activity can be commenced. If proposed in connection with a Site Plan Application, such Non-Utility Devices shall also be reviewed and approved by the Planning Board under the applicable criteria.

B. Permit application for Non-Utility Devices.

(1) An Application for a Non-Utility Device shall be made on a form provided by the

Town which application shall include at least the following information:

(a) The name, physical and e-mail address and telephone number and all other contact information of applicant.

(b) The location of the pole, building, structure or other location to which or upon which such Non-Utility Devices are to be placed, erected or otherwise attached.

(c) A color photo of the areas where any such Non-Utility Devices are to be erected or attached.

(d) All dimensions of any such Non-Utility Devices, and details of its Devices and hanging or method of securing to any place.

(e) Method of illumination, if any.

(1:) Any markings, including symbols, letters, materials and colors of such Non-Utility Devices.

(g) Any visual or other message, text, copy or content on or of such Non-Utility Devices.

(h) Written consent and/or a copy of any agreement made with the owner of the property or property interest upon which such Non-Utility Devices are to be erected.

(i) Any and all documents by which the owner of the property and property interest referenced herein claims a right to occupy space in

areas owned or controlled by the Town.

(i) The names, address and other information of any Utility Company that allows, licenses, permits or otherwise consents to the placement of any such Non-Utility Devices in its claimed right-of-way prior to the tiling of an application herein.

(k) The name, address and all contact information of the Installer as defined herein.

(1) Any other such information as the Building Department or reviewing Board may require to ensure compliance with this Regulation.

(2) The fees for such application are set forth in Chapter __ of this Code. C. Filing of Non-Utility Device Permit Application with Assessor.

Upon the filing of an application for Non-Utility Devices permit under this Section with the Town, contemporaneous with said application being filed, an applicant for such Non-Utility Devices permit must also simultaneously file copies of the application with the Town Assessor, the Town Clerk and the Supervisor for the Town. In addition to the contents of the application set forth previously herein, the application shall also contain all documents that confirm the right to have such Non-Utility Devices established or erected in over or under areas owned or controlled by the Town or such other Areas as claimed by the applicant. Said documentation shall also include the identification of any rights that are claimed by the applicant or any owner of the property or property interests upon which such Non-Utility Devices are to be erected to place such Non-Utility Devices in any street or other Areas. Said application shall also include a fair market value determination of the existing rights of the owner of the property or property interest upon which such Non-Utility Devices is to erect and the fair market value of the rights of the Non-Utility Devices permit application if granted. The application shall also include any prior challenges that the owner of the property or property interest upon which such Non-Utility Devices are to be erected previously filed against any Tax Assessor having jurisdiction to review the fair market value of the rights of the OV\11cr of the property or property interest upon which the Non-Utility Devices are to be erected.

D. Non-Utility Device Permit procedure.

(1) Upon the filing of a completed application, the Code Enforcement Officer shall examine the plans, specifications or other information submitted, as well as the Area or Areas where the Non-Utility Devices are to be erected or as the case may exist. If such Non-Utility Devices are in compliance with all the requirements contained in this Regulation, the Code Enforcement Officer shall; within 15 days after completion or his or her review of the permit application, either (a) advise the applicant in writing of any incomplete parts of the application; (b) issue a permit for the erection of the Non-Utility Devices or; (c) deny the application. (The issuance of a permit shall not excuse the applicant from conforming to the

other laws, rules and regulations of the municipality.) If the placement of said Non-Utility Devices so authorized pursuant to this regulation has not completed within three (3) months from the date of issuance, the permit shall become null and void.

(2) Appeal from permit decision. In accordance with New York Town Law § 7-712-a(4), an appeal to the Town Zoning Board of Appeals may be taken by any person aggrieved by the Code Enforcement Officer's decision to approve or deny a permit within thirty (30) days from the date of any decision.

E. General Installation Regulations for Non-Utility Devices and Utility Devices.

(1) Installation guidelines. The following guidelines are to be followed with regard to any installation of a Non-Utility Devices and Utility Devices pursuant to this Regulation:

(a) Any Non-Utility Devices must be installed entirely within the right-of-way or other Area and outside of any such Town right-of-way or any other right-of-way unless a written consent for use by such applicant is on file with the Town Clerk.

(b) Any such Non-Utility Devices must be located as close as permitted by law, rule or regulation to any other existing wire in the immediate location of such wire.

(c) Any Non-Utility Devices must be of translucent material and/or be the same color as the pole to which it is attached so that such Non-Utility Devices is not visible to the public.

(d) Any Utility Devices shall be painted or otherwise made to be distinguishable in appearance from that of the Utility Pole or other structure upon which the Utility Devices are placed.

(e) Prior to installation of any Non-Utility Devices, a Utility Company mark-out is required with the applicant in the permit application having documented to the Town the 811 call to have this done as well as the results of that call.

(f) No such Non-Utility Device or extension thereof may be attached or fastened to any tree, bush or plant or other vegetation.

(g) No such Non-Utility Device can cross over or under or on a Town roadway or
Town right-of-way.

(h) All Non-Utility Devices attached to any Utility Pole must receive written permission from Utility Company or other entity or person from which permission is given and said permission must be attached to any permit application and thereafter submit written proof of continuing permission to

Code Enforcement Officer annually by January 15 of each year after which permit is issued.

(2) Installer guidelines. The installer shall follow all guidelines set forth above and shall also follow any such other directions or requirements of the Code Enforcement Officer for the Town.

F. Maintenance for Non-Utility Devices.

(1) The permit holder is responsible at all times to maintain their Devices in a neat and orderly condition, in good working order at all times, and in such manner to prevent any deterioration in the physical appearance or safety of such Devices that could impact on of persons or places nearby such Devices.

(2) Any such unsafe, unsightly, damaged, or deteriorated Non-Utility Devices, that in danger of falling, shall be put in order or removed with fifteen (15) days as required in any written notice by the Code Enforcement Officer to the permit holder. [f safety conditions so require in special circumstances, then and in that event upon notice to the permit holder immediate compliance is required for the repair or removal of same. If compliance is not achieved within the time period specified in such notice, such Devices shall be repaired or removed by the Town and the costs shall be levied and collected against the permit holder in the same manner and under the same penalties as enforcement of any Town Law, rule or regulation.

(3) All Non-Utility Devices shall maintain all clearances from electrical conductors in accordance with the New York State Public Service Commission's Orders and Regulations as well as the National Electrical Code and from all communications equipment or lines located within the Town. Any such Non-Utility Devices and any supporting structures shall maintain appropriate clearance and must not interfere with any surface or underground facilities and conduits for water, sewage, gas, electricity or communications equipment or lines.

G. Abandoned Non-Utility Devices.

(1) Except as provided in this Regulation, any such Non-Utility Devices that does not meet the standards herein for a period of 30 days or more shall be deemed to have been abandoned. Such abandoned Non-Utility Devices are prohibited and shall be removed immediately by the permit holder and/or Utility Company.

(2) Upon notification by the Town to the permit holder and/or Utility Company of any such abandoned Non-Utility Devices, said permit holder and/or Utility Company shall have 30 days to remove such abandoned Devices. Upon failure to remove the Non-Utility Devices within this time period, the Town may remove the Non-Utility Devices upon the expense of the permit holder and Utility Company. The cost of such removal paid by the Town shall be levied and collected in the same manner and under the same penalties as any other Town Law, rule or regulation assessment of a public improvement.

H. Existing Non-Utility Devices and Nonconforming Non-Utility Devices and/or

Utility Devices

(1) Any such Non-Utility Devices not in compliance with any provision of this

Regulation upon its effective date shall be deemed nonconforming.

(2) Any such nonconforming Non-Utility Devices shall be reported to the Town Code Enforcement Officer by submission of a permit application in conformance with the requirements of this Regulation and demonstrating the date of installation within ninety (90) days of the date of enactment of this Regulation. If not in compliance within ninety (90) days from the enactment of this regulation, the Non-Utility Devices shall be removed forthwith by the Town and the expense of the same shall be paid by the nonconforming Non-Utility Device and Utility Company.

1. Other Requirements.

(1) Any Permit Holder or Utility Company shall restore and repair any and all damage that may occur in connection with the installation, maintenance or removal of any Non-Utility Devices and/or Utility Devices.

(2) The Permit Holder or Utility Company shall indemnify and hold harmless the Town, its Officials, employees, agents, and others from any claims for personal injury or property damage arising from (or allegedly arising from) or in connection with such installation, use, maintenance, or removal of any Non-Utility Devices and/or Utility Devices.

(3) The Permit Holder and the Utility Company shall provide a Certificate of Insurance evidencing liability insurance in the amount of at least \$1,000,000 per occurrence and \$2,000,000 aggregated listing the Town, its Officials, employees and agents as additional insureds prior to the issuance of a permit for any Non-Utility Device. Such insurance shall be maintained and each and every Certificate of Insurance shall be on file with the Town Clerk at all times that a Non-Utility Device remains in place.

(4) In the event any Permit Holder becomes liable to the Town for any fees, expenses, and/or penalties under this Regulation and fails to remit full and complete payment of said fees, expenses, and/or penalties within 30 days, the owner of the Utility Pole shall be held liable to the Town for any and all amounts remaining due plus 9% interest annum on said amount. By permitting, facilitating, and/or licensing Non-Utility Devices to be installed within the Areas, the owner of the Utility Pole waives all appeals and agrees to be strictly liable for any amounts due to the Town pursuant to this Provision and Regulation.

J. Code Enforcement Officer.

(I) The provisions of this Regulation shall be administered and enforced by the Code Enforcement Officer who shall have the power to undertake any Non-Utility Devices and/or Utility Devices inspections.

(2) No Non-Utility Devices permit shall be approved by the Code Enforcement Officer except in full compliance with the provisions of this Regulation.

K. Appeals.

(1) In accordance with New York State Town Law § 7-712-a, any order, requirement, decision, interpretation, or determination of the Code Enforcement Officer may be appealed within thirty (30) days of the date of the determination by filing an appeal with the Zoning Board of Appeals by any person aggrieved, or by an Officer, Department, Board or Bureau of the Town.

(2) Upon filing an appeal, the Zoning Board of Appeals may grant a variance from the terms of this Regulation, following the procedure set forth in Town Law.

(3) Any person aggrieved by a decision of the Zoning Board of Appeals may have that decision reviewed by the Supreme Court of the State of New York in the manner and within the time provided by law.

L. Penalties for Offenses.

(l) In the event of a breach of any of the provisions of this Regulation, the Code Enforcement Officer shall notify the permit holder and Utility Company in writing to remove, repair, or otherwise bring the Non-Utility Devices and/or Utility Devices into conformance within 30 days of the date of such notice. Upon failure to comply with any such notice within the prescribed time, the Code Enforcement Officer shall remove or cause the removal, repair, or conformance of Non-Utility Devices and/or Utility Devices at the expense of the permit holder and Utility Company. All costs and expenses shall become a lien upon the premises upon which the wire is or was located and shall be levied and collected in the same manner and under the same penalties as any other Town Law, rule or regulation.

(2) Any person who violates any of the provisions of this Regulation or who fails to comply with any order or regulation made herein, or who erects, moves, or alters any Non-Utility Devices and/or Utility Devices in violation of any statement or plans submitted by the applicant and approved under provisions of this Regulation, shall be guilty of a violation as the same is defined in the Penal Law and shall be fined \$1,500 for each and every violation and also be subject to imprisonment of a term of not more than ten (10) days. Each day that such violation is permitted to exist shall constitute a separate violation. If any Non-Utility Devices and/or Utility Devices is erected, altered, or moved in violation of the provisions of this Regulation, any Town Official may, in addition to other remedies, take appropriate other actions to prevent such unlawful condition from continuing to exist.

(3) All costs and expenses incurred by the TOW11 in causing the removal or repair of any Non-Utility Devices and/or Utility Devices as specified in this section and the enforcement of this Regulation, including but not limited to reasonable attorneys' fees, shall be collected from the permit holder and Utility

Company. Payment shall be made in not less than five days after transmittal to the permit holder and the Utility Company of a written demand for payment. Upon failure to make such payment, such costs and expenses shall be assessed against said permit holder and the Utility Company and shall be paid and collected as part of the Town tax next due and payable. In addition, the TOVvN may commence any other action or proceeding to collect such costs and expenses. With all said reasonable attorney's fees incurred by the Town being paid by the Permit Holder and the Utility Company.

**ADJOURN/CLOSE PUBLIC HEARING/PROPOSED
LOCAL LAW AMENDING TOWN CODE CHAPTER 43,
ENTITLED ZONING - REGULATIONS OF DEVICES IN
PUBLIC RIGHT-OF-WAYS AND EASEMENTS**

6. RESOLVED, that the public portion is hereby adjourned/closed.

**RESOLUTION OF THE TOWN BOARD
FOR THE TOWN OF ORANGETOWN,
NEW YORK TO SEEK TO ESTABLISH
LEAD AGENCY STATUS**

7. **WHEREAS**, the Town Board for the Town of Orangetown ("Town Board") seeks to adopt a proposed local law ("Local Law") to amend Chapter 43 of the Town of Orangetown Town Code entitled the "Regulation of Devices in Public Right-of-Ways and Easements of the Town of Orangetown" ("Town"); and

WHEREAS, the proposed Local Law is an amendment to the Town Zoning Code involving a change of use affecting more than twenty-five (25) acres, and is thereby determined to be a Type I action; and

WHEREAS, the Town Board desires to assume Lead Agency status and conducted a review to determine the significance of the proposed Local Law in accordance with the Article 8 of the Environmental Conservation Law of the State of New York, and the regulations promulgated thereunder at 6 NYCRR 617 ("SEQRA"); and

WHEREAS, SEQRA and the governing regulations promulgated thereunder requires the Town Board to serve a Notice of Intent to Establish Lead Agency to all potentially involved or interested Agencies; and

WHEREAS, Public Hearings on the proposed local law have been noticed and held on December 19, 2017, and February 6, 2018 to provide an opportunity for all persons interested in presenting oral or written comments concerning the proposed Local Law.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. All "**WHEREAS**" clauses are hereby incorporated by reference and set forth in full herein.

Section 2. The Town Board determines that the proposed action will require reviewed pursuant to the State Environmental Quality Review Act ("SEQRA"), and the governing regulations promulgated thereunder.

Section 3. The Town Clerk is hereby authorized and directed to serve by mail the Notice of Intent to Establish Lead Agency to all potentially involved or interested Agencies.

Section 4. This Resolution shall be effective immediately.

The question of adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Yea Nay Abstain Absent

Supervisor Day]

Councilman Bottari

Councilman Diviny
[

Councilman Troy

Councilman Valentine

]
[

The Resolution was thereupon duly adopted.

**RESOLUTION OF THE TOWN BOARD FOR THE
TOWN OF ORANGETOWN, NEW YORK REFERRING A**

**PROPOSED LOCAL LAW TO AMEND CHAPTER 43
OF THE TOWN CODE TO THE TOWN OF
ORANGETOWN PLANNING BOARD**

8. **WHEREAS**, the Town Board for the Town of Orangetown ("Town Board") seeks to adopt a proposed local law ("Local Law") to amend Chapter 43 of the Town of Orangetown Town Code entitled the "Regulation of Devices in Public Right-of-Ways and Easements of the Town of Orangetown" ("Town"); and

WHEREAS, Section 10-51 of the Town Code requires that proposed amendments to Chapter 43 be referred to the Town of Orangetown Planning Board ("Planning Board"); and

WHEREAS, upon referral, the Planning Board may submit a written report in accordance with the Town Code to the Town Board and shall be submitted within thirty (30) days after the effective date of this Resolution; and

WHEREAS, the failure of the Planning Board to make any such report within the thirty (30) day period shall be deemed a favorable report in accordance with the Town Code.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. All "**WHEREAS**" clauses are hereby incorporated by reference and set forth in full herein.

Section 2. The Town Clerk is hereby authorized and directed to refer the proposed local law entitled the "Regulation of Non-Utility Devices in Public Right- of-Ways and Easements" to the Town of Orangetown Planning Board pursuant to Article X of the Town Code of the Town of Orangetown.

Section 3. This Resolution shall be effective immediately.

The question of adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Yea Nay Abstain Absent

Supervisor Day () ()

Councilman Bottari

[

Councilman Diviny

(
]

Councilman Troy

[

Councilman Valentine

]]
[]
[]

The Resolution was thereupon duly adopted.

**PROPOSED RESOLUTION AUTHORIZING THE
ISSUANCE OF \$545,564 BONDS OF THE TOWN OF
ORANGETOWN, ROCKLAND COUNTY, NEW YORK,
TO PAY COSTS OF VARIOUS PURPOSES IN AND
FOR SAID TOWN.**

9. *Proposed Text:* **BE IT RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the Town of Orangetown, Rockland County, New York, as follows:

Section 1. The following are hereby authorized in and for the Town of Orangetown, Rockland County, New York:

- a) The purchase of vehicles, at a maximum estimated cost of \$363,000, being a class of objects or purposes having a period of probable usefulness of three years pursuant to subdivision 77 of paragraph a of Section 11.00 of the Local Finance Law;
- b) IT improvements, at a maximum estimated cost of \$99,500, being a class of objects or purpose having a period of probable usefulness of five years pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law;
- c) The purchase of equipment for the Police Department, at a maximum estimated cost of \$33,064, being a class of objects or purposes having a period of probable usefulness of five years pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law; and
- d) Replace floor at Greenbush Facility, at a maximum estimated cost of \$50,000, being a specific object or purpose having a period of probable usefulness of five years pursuant to subdivision 35 of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The total maximum estimated cost of the aforesaid objects or purposes is \$545,564, and the plan for the financing thereof is by the issuance

of \$545,564 bonds of said Town hereby authorized to be issued therefor pursuant to the Local Finance Law, to be allocated in accordance with the maximum estimated costs set forth in Section 1 hereof.

Section 3. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years.

Section 4 The faith and credit of said Town of Orangetown, Rockland County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7 The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for

purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long- term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9 This resolution, which takes effect immediately, shall be published in summary form in the official newspaper designated for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**PROPOSED RESOLUTION AUTHORIZING THE
CONSTRUCTION OF HEATING AND AIR CONDITIONING
IMPROVEMENTS AT THE TOWN HALL IN AND FOR THE
TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW
YORK, AT A MAXIMUM ESTIMATED COST OF \$165,000
AND AUTHORIZING, SUBJECT TO PERMISSIVE
REFERENDUM, THE ISSUANCE OF \$165,000 BONDS OF
SAID TOWN TO PAY THE COST THEREOF.**

10. *Proposed Text:* **BE IT RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Orangetown, Rockland County, New York, as follows:

Section 1. The construction of heating and air conditioning improvements at the Town Hall in and for the Town of Orangetown, Rockland County, New York, are hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$165,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$165,000 bonds of said Town, hereby authorized, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years, pursuant to subdivision 13 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Orangetown, Rockland County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such

manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town designated for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

**PROPOSED RESOLUTION AUTHORIZING
PLAYGROUND IMPROVEMENTS IN AND FOR THE
TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW
YORK, AT A MAXIMUM ESTIMATED COST OF \$60,000
AND AUTHORIZING, SUBJECT TO PERMISSIVE
REFERENDUM, THE ISSUANCE OF \$60,000 BONDS OF
SAID TOWN TO PAY THE COST THEREOF.**

11. *Proposed Text:* **BE IT RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Orangetown, Rockland County, New York, as follows:

Section 1. Playground improvements in and for the Town of Orangetown, Rockland County, New York, are hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$60,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$60,000 bonds of said Town, hereby authorized, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 19(c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Orangetown, Rockland County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town designated for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

PROPOSED RESOLUTION AUTHORIZING THE RECONSTRUCTION AND RESURFACING OF ROADS IN AND FOR THE TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,800,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$1,800,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

12. *Proposed Text:* **BE IT RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Orangetown, Rockland County, New York, as follows:

Section 1. The reconstruction and resurfacing of roads in and for the Town of Orangetown, Rockland County, New York, including sidewalks, curbs, gutters, drainage, landscaping and other incidental improvements, are hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$1,800,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$1,800,000 bonds of said Town, hereby authorized, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Orangetown, Rockland County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town designated for such

purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

PROPOSED RESOLUTION AUTHORIZING THE REPLACEMENT OF TRAFFIC SIGNALS IN AND FOR THE TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,110,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$1,110,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

13. *Proposed Text:* **BE IT RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Orangetown, Rockland County, New York, as follows:

Section 1. The replacement of traffic signals in and for the Town of Orangetown, Rockland County, New York, including engineering costs, are hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$1,110,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$1,110,000 bonds of said Town, hereby authorized, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty years, pursuant to subdivision 72 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Orangetown, Rockland County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the

provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town designated for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

PROPOSED RESOLUTION AUTHORIZING CHERRY BROOK STORM DRAINAGE IMPROVEMENTS IN AND FOR THE TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$400,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$400,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

14. *Proposed Text:* **BE IT RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Orangetown, Rockland County, New York, as follows:

Section 1. Cherry Brook storm drainage improvements in and for the Town of Orangetown, Rockland County, New York, are hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$400,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$400,000 bonds of said Town, hereby authorized, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 3 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Orangetown, Rockland County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town designated for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

PROPOSED RESOLUTION AUTHORIZING POND IMPROVEMENTS AT THE GOLF COURSE IN AND FOR THE TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$150,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$150,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

15. *Proposed Text:* **BE IT RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Orangetown, Rockland County, New York, as follows:

Section 1. Pond improvements at the golf course in and for the Town of Orangetown, Rockland County, New York, are hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$150,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$150,000 bonds of said Town, hereby authorized, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 54 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Orangetown, Rockland County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town designated for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

PROPOSED RESOLUTION AUTHORIZING ACQUISITION OF HEAVY EQUIPMENT FOR THE HIGHWAY DEPARTMENT IN AND FOR THE TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,800,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$1,800,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

16. *Proposed Text:* **BE IT RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Orangetown, Rockland County, New York, as follows:

Section 1. The acquisition of heavy equipment for the Highway Department in and for the Town of Orangetown, Rockland County, New York, are hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$1,800,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$1,800,000 bonds of said Town, hereby authorized, to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Orangetown, Rockland County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town designated for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

**PROPOSED RESOLUTION TO SET DATE FOR
PUBLIC HEARING/RTBM OF MARCH 13, 2018
AT 8:15 P.M./ BOND ISSUANCE FOR INCREASE
AND IMPROVEMENT OF SEWER FACILITIES**

17. **WHEREAS**, the Town Board of the Town of Orangetown, Rockland County, New York, has caused to be prepared a map, plan and report, including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of the Orangetown Sewer District, in the Town of Orangetown, Rockland County, New York, consisting of the

construction of various sewer system improvements and acquisition of vehicles, at a maximum estimated cost of \$2,327,000; and

WHEREAS, after a public hearing thereon the Town Board approved the project and authorized financing thereof:

WHEREAS, it is now desired to call a public hearing on the question of the increase and improvement of the facilities of the Orangetown Sewer District, in the matter described above, and to hear all persons interested in the subject thereof, concerning the same, in accordance with the provisions of Section 202 b of the Town Law;

NOW, THEREFORE, IT IS HEREBY ORDERED, by the Town Board of the Town of Orangetown, Rockland County, New York, as follows:

Section 1. A public hearing will be held at the Town Hall, in Orangeburg, New York, in said Town, on March 13, 2018, at 8:15 P.M., Prevailing Time, on the question of the increase and improvement of the Orangetown Sewer District, in the Town of Orangetown, Rockland County, New York, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the official newspaper, and also to cause a copy thereof to be posted on the sign board of the Town, such publication and posting to be made not less than ten, nor more than twenty, days before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the form attached hereto as Exhibit A and hereby made a part hereof.

Section 4. This Order shall take effect immediately.

**PROPOSED RESOLUTION TO
ESTABLISH TANKER
AVOIDANCE ZONE FOR
PETROLEUM-BEARING
VESSELS**

18. *Proposed Text:* **WHEREAS**, in 2016 the U.S.Coast Guard proposed establishing new anchorage grounds along the Hudson River between Yonkers and Kingston; and

WHEREAS, Governor Cuomo signed A.6825a/ S.5197b into law and positioned New York State to continue to fulfill its responsibility to the Hudson River and its communities from the many potential dangers presented by oil-carrying vessels on the Hudson River and the proposed additional barge anchorage grounds; and

WHEREAS, the federal government and New York State share concurrent

jurisdiction over the Hudson River, and as long as action by the state is not inconsistent with existing federal regulation and does not unreasonably burden interstate commerce, New York has significant authority to regulate navigable waters like the Hudson when the state's interest warrants special precautionary measures; and

WHEREAS, it remains a top priority of the Town of Orangetown to prevent any new anchorage grounds in the Hudson River from being sited at locations where they pose a clear and direct threat to the environment, quality of life, and regional economic development goals of the Hudson Valley; and

WHEREAS, the Town of Orangetown is home to areas of scenic Hudson riverfront, the integrity of which would be threatened by the establishment of new barge anchorage grounds; and

WHEREAS, the Town of Orangetown has documented its concerns about the anchoring of petroleum-carrying tankers, including disrupting the economic vitality of the waterfront, endangering drinking water supplies, damaging fish habitat and detracting from scenic beauty and quality of life along the river (see Resolution No. 586 of 2017); and

WHEREAS, the USCG recently conducted two Ports and Waterways Safety Assessment (PAWSA) workshops for the stretch of the Hudson River between the Tappan Zee Bridge and the Port of Albany, and a recommendation to establish new anchorage grounds was discussed and could be part of the USCG's PAWSA report; and

WHEREAS, New York State has secured important victories that have been essential to public health, the environment and the economy of the state, including the administration's support for the Environmental Protection Fund, the ban on hydraulic fracturing, increasing funding for the state's Oil Spill Response Fund, and issuance of water quality permit decisions relating to energy development and transport have been among these many accomplishments; and

WHEREAS, the new law gives the Department of Environmental Conservation the ability to establish areas of the Hudson River where it shall be unlawful for petroleum-bearing vessels to enter, move or anchor; now therefore be it

RESOLVED that the Town Board requests that DEC Commissioner Seggos immediately advance a rulemaking process to establish Tanker Avoidance Zones for petroleum-bearing vessels, implementing the strongest possible regulations allowed under the law; and be it further

RESOLVED that the Town Supervisor of the Town of Orangetown, New York be hereby authorized and directed to send a copy of this resolution to the Hon. Andrew M. Cuomo, Governor of the State of New York; the Hon. Basil Seggos, Commissioner of the Department of Environmental Conservation, the Hon. Senator David Carlucci; the Hon. Ellen C. Jaffee, and to such other persons as the Town of Orangetown Supervisor in his discretion, may deem proper in order to effectuate the purpose of this resolution.

**PROPOSED RESOLUTION FOR
CREATION AND APPOINTMENT OF
TOWN OF ORANGETOWN AIR
QUALITY REVIEW COMMITTEE**

19. **WHEREAS**, the Town Board and its residents are concerned about the air quality in the Town of Orangetown; and

WHEREAS, the Town Board believes that the subject of clean air should be studied to determine if action is warranted by the Board to address the air quality in the Town; and

WHEREAS, the Town Board has determined that an Air Quality Review Committee should be established to study this topic;

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby establishes an Air Quality Review Committee comprising of five (5) members, including the Director of the Office of Zoning, Planning, Administration and Enforcement (or his or her designee), the Commissioner of DEMA (or his or her designee from the Engineering Department), and three members of the public to be appointed by the Town Board after consideration of the qualifications and interests of applicants;

BE IT FURTHER RESOLVED, that the charge of the Air Quality Review Committee is as follows:

To study air quality and pollution issues in the Town;

To advise the Town Board on policies, plans and strategies to improve the air quality in the Town;

Make recommendations to the Town Board on the hiring of experts to provide additional technical expertise to the Committee and the Town Board;

To receive, track and take appropriate advisory action upon air quality, odor or airborne particulate matter related complaints within the Town from the public.

To make recommendations to the Town Board for actions to be taken to combat the problem, including regulating sources of air pollutants to minimize adverse impact on human health and the environment.

The public members of the Committee shall serve without compensation and shall serve in an advisory capacity.

BE IT FURTHER RESOLVED, that Supervisor Chris Day shall serve as the Town Liaison to the Committee.

**PROPOSED
MEMORIALIZING
RESOLUTION OPPOSING
CONGESTION PRICING IN
MANHATTAN**

20. *Proposed Text:* **WHEREAS**, Governor Andrew Cuomo has previously convened a panel known as “Fix NYC” in order to study transit issues in New York City, and

WHEREAS, this panel has recently released their recommendation to implement congestion pricing, with a specific proposal for a toll be placed on vehicles entering the area of Manhattan south of 60th Street that would range from \$11.52 for a car up to \$25.34 for a truck, and

WHEREAS, the people of Orangetown suffer from a lack of available public transit options as compared to other areas within the Metro-North Service Area, receiving less back in services than they pay into the system, and

WHEREAS, automobile commuters and other travelers going into New York City from Orangetown already face the highest tolls of any Hudson River crossing on the George Washington Bridge, and

WHEREAS, charging automobile operators additional tolls without first providing increased or improved mass transit options leaves those automobile operators no alternative but to simply pay increased costs out of pocket and cannot actually reduce congestion, and

WHEREAS, such a congestion pricing plan would place an undue financial hardship on working class residents of Orangetown and neighboring municipalities alike, and

WHEREAS, Governor Cuomo has made clear his intent to encourage the passage of legislation effecting this panel’s recommendation by the New York State Legislature during the current legislative session.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Orangetown hereby opposes any congestion pricing plan or toll around the island of Manhattan or any portion thereof, to include this specific proposal, and be it

FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to send a copy of this resolution to the Hon. Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, Hon. William J. Larkin, Jr., New York State Senators; Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, and Hon. James G. Skoufis, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; and to such other persons as the Clerk, in her discretion, may deem proper in order to effectuate the purpose of this resolution.

**PROPOSED MEMORIALIZING
RESOLUTION OPPOSING
ORANGE & ROCKLAND RATE
INCREASE AS REQUESTED**

21. *Proposed Text:* **WHEREAS**, Orange & Rockland Utilities (O&R) has recently requested that the New York State Public Service Commission (NYSPSC)

approve rate increases for both electric and gas delivery, and

WHEREAS, based on O&R's estimates, these rate increases would amount to approximately a 5% increase in cost of electric delivery and 3% increase in cost of gas delivery to the average residential customer, and

WHEREAS, O&R has claimed that the recently enacted changes to Federal tax code reducing the corporate tax rate from 35% to 21% will result in tax savings to the company, and

WHEREAS, these Federal tax savings allowed O&R, by their statements, to "mitigate" their requests to the levels presented, and

WHEREAS, O&R has seen increases in its net comprehensive income margin from 5% in 2014 to 7.2% in 2015 and to 7.5% in 2016, and

WHEREAS, in past years when O&R has requested a rate increase the NYSPSC has both reduced said requests and locked them in for at two or three year period, and

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Orangetown hereby calls upon the New York State Public Service Commission to reject Orange & Rockland Utilities' rate increases as requested and instead reduce them to a level that will both pass the entirety of the Federal income tax savings onto the customer and lower O&R's projected net comprehensive income to a level below 6%, and ensure that the remaining increase, if any, is locked into a three year rate agreement so as to prevent increases in the immediate subsequent years, and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to send a copy of this resolution to the Hon. Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, Hon. William J. Larkin, Jr., New York State Senators; Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, and Hon. James G. Skoufis, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; the Chairman and all individual members of the New York State Public Service Commission, and to such other persons as the Clerk, in her discretion, may deem proper in order to effectuate the purpose of this resolution.

**PROPOSED MEMORIALIZING
RESOLUTION REQUESTING CEILING
ON SCHOOL TAXES LEVIED BASED
ON EQUALIZATION RATES**

22. *Proposed Text:* **WHEREAS**, the towns of Orangetown and Clarkstown presently share two school districts which are split between the two towns, the Nanuet Union Free School District and the Nyack Union Free School District, and

WHEREAS, in such districts residents have in the past suffered at times in

both towns from extreme shifts in tax burden from one portion thereof to the other due to changes values of property in the different towns, and WHEREAS, in some years such proportion shifts as calculated would have resulted in single year effective tax increases as high as 14% for certain residents of these districts, and

WHEREAS, there is substantial concern amongst residents that future shifts might result in similarly drastic increases in their effective tax burden, and

WHEREAS, such shifts disproportionately impact small groups of residents who are forced to suffer the substantial financial impacts without relief, and

WHEREAS, such extreme shifts can have a severe chilling effect on property values and the overall real estate market within a school district, resulting in declining enrollment or other rapid demographic changes that can put undue stress on the school districts in question and impact their ability to properly educate students, and

WHEREAS, there is an inherent operational and fiscal benefit for the entirety of these school districts and their residents to them being treated as much as possible as one effective unit for the purposes of taxation and equalization, and

WHEREAS, it is in the financial interest of the residents of these districts to have a substantially more stable and predictable tax burden running more evenly across the entirety of the district, regardless of town.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Orangetown hereby supports a cap of 1%, or as close as is possible thereto, on any increase in the proportion of taxes based on equalization rate over the prior year in the school districts that it splits with the Town of Clarkstown, and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to send a copy of this resolution to the Hon. Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, Hon. William J. Larkin, Jr., New York State Senators; Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, and Hon. James G. Skoufis, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; and to such other persons as the Clerk, in her discretion, may deem proper in order to effectuate the purpose of this resolution.

**PROPOSED MEMORIALIZING
RESOLUTION REQUESTING
LIMITATION ON THE SHIFT BETWEEN
CLASSES OF TAXABLE PROPERTY**

23. **WHEREAS**, sudden and drastic shifts between classes of property can have severe financial impacts upon residents of a town, and

WHEREAS, these shifts can negate or even invert any positive moves that an elected Town Board might make in the budgeting process to decrease or limit

their town's tax burden, and

WHEREAS, in 2017 the New York State Legislature amended the real property tax law to limit the shift in base proportions between classes of taxable property by more than one percent over the previous year within the neighboring Town of Clarkstown, and

WHEREAS, duplicating said law to apply to Orangetown would result in a substantial benefit to our residents by establishing more predictability around the degree of shift in tax burden between classes of taxable property.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Orangetown hereby requests an amendment to the real property tax law of the State of New York limiting the shift between classes of taxable property in the Town of Orangetown to not more than 1% from the immediate preceding year, and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to send a copy of this resolution to the Hon. Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, Hon. William J. Larkin, Jr., New York State Senators; Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, and Hon. James G. Skoufis, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; and to such other persons as the Clerk, in her discretion, may deem proper in order to effectuate the purpose of this resolution

**AGREEMENT / GOLDKAP
CONSULTING GROUP, LLC/
CONSULTANT
SERVICES/GENERATE
SAVINGS/AUDIT**

- 24. **RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute an Agreement, on behalf of the Town, as proposed and written, with Goldkap Consulting Group, LLC, providing professional services including but not limited to: a review of Town wide department operational spending; evaluate vendors and price points for present services; review present services and billing; provide a report detailing areas of improvement, and better efficiency and with reduced administrative and product cost, within the framework and the constraints of the Town Procurement Policy, the monetary thresholds of the Competitive Bidding requirements, or exceptions thereto, Best Value Purchasing, Piggybacking on certain government contracts, the Town Code and Ethics Code, the NYS Town Law and the NYS General Municipal Law, at a cost of FIVE THOUSAND AND 00/100 (\$5,000.00) DOLLARS.

TOWN ATTORNEY

**PROPOSED RESOLUTION TO SET PUBLIC
HEARING APRIL 10, 2018 AT 8 PM/ORANGEBURG**

CHILD DAY-CARE CENTER

25. *Proposed Text:* **RESOLVED**, that the Town Board set the date of April 10, 2018, at 8:00 PM, for a public hearing regarding a Special Permit allowing the development of a Child Day-Care Center.

HIGHWAY/POLICE

PROPOSED RESOLUTION TO AUTHORIZE THE TOWN OF ORANGETOWN HIGHWAY & POLICE DEPARTMENTS TO LEND ASSISTANCE FOR 2018 ST. PATRICK'S DAY PARADE

26. *Proposed Text:* **RESOLVED**, upon the recommendation of the Superintendent of Highways, that the Town Board hereby authorizes the Town of Orangetown Highway & Police Departments to lend assistance which includes the use of trash barrels, barricades & painting of the green stripe from the Highway Dept., and police detail from the Police Department on Sunday, March 18, 2018, from 1 pm to 4 pm, for the St. Patrick's Day Parade.

DEME:

- PROPOSED RESOLUTION TO APPROVE/SEWER WORK 2018/CERTIFICATE OF REGISTRATIONS

POLICE

HIGHWAY/PARKS/POLICE

PROPOSED RESOLUTION TO AUTHORIZE THE TOWN OF ORANGE TOWN HIGHWAY, PARKS & POLICE DEPARTMENTS TO LEND ASSISTANCE FOR THE LT. JOHN G. BELLEW RUN EVENT

27. *Proposed Text:* **RESOLVED**, upon the recommendation of the Superintendent of Highways, that the Town Board hereby authorizes the Town of Orangetown Highway, Parks & Police Departments to lend assistance which includes the use of trash receptacles & barricades from the Highway Dept., (2) regular & (1) handicapped port-o-sans from the Parks Dept., and Police detail on Saturday, April 14, 2018, for the Lt. John G. Bellew Run, from 10 am to 4 pm.

OBZPAE

PROPOSED RESOLUTION TO AMEND THE 2018 OFFICE OF BUILDING, ZONING, PLANNING, ADMINISTRATION AND ENFORCEMENT FEE SCHEDULE

28. *Proposed Text:* **BE IT RESOLVED**, that the 2018 Office of Building, Zoning,

Planning, Administration and Enforcement fee schedule shall be amended as follows:

BUILDING PERMIT: \$150.00 for first \$1,000.00 and \$18.00 for each additional \$1,000.00 of estimated construction value.

BUILDING PERMIT RENEWAL ONCE IT HAS EXPIRED:
\$100.00 or 20% of the original permit fee; whichever is greater. Plus gis if not paid at time of initial application.

DEMOLITION PERMIT:

Accessory Structures \$125.00 + \$20.00 GIS

Above ground pool \$125.00 + \$20.00 GIS

In-ground pool \$175.00 + \$20.00 GIS

Buildings 500- 20,000 sq. ft. \$100.00 + \$10.00 per 100 sq. ft.

Buildings 20,000 sq. ft. plus \$100.00 + \$8.00 per 100 sq. ft.

LOCAL LAW #7: \$150.00 + \$20.00

OUTDOOR/SIDEWALK DINING PERMIT: Initial \$200.00

TANK REMOVAL: Commercial \$150.00

SIGN PERMIT: \$150.00

USE/OCCUPANCY C.O.: COMMERCIAL \$150.00

TREE REMOVAL: COMMERCIAL \$150.00 for first \$1,000.00 and \$18.00 for each additional \$1,000.00 of estimated construction value

- PROPOSED RESOLUTION TO SET DATE FOR PUBLIC HEARING FOR MARCH 13, 2018 AT 8:25 PM TO APPROVE PROPOSAL/"1-800-GOT-JUNK"/117 PROSPECT PLACE, PEARL RIVER PROPERTY

PARKS AND RECREATION

PROPOSED RESOLUTION TO APPROVE AID/SHOWMOBILE/PORTO-JOHNS FOR ROCKLAND COUNTY ANCIENT ORDER OF HIBERNIANS EVENT

29. *Proposed Text:* **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 at a rental cost of \$400.00 and the purchase of 22 porto-john units (cost to be shared with the organization) by the Rockland County Ancient Order of Hibernians for their St. Patrick's Day Parade on Sunday, March 18, 2018, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

PERSONNEL

PROPOSED RESOLUTION TO APPOINT MATTHEW KANE, MAINTENANCE ELECTRICIAN, PERMANENT FROM EL #17092

30. *Proposed Text:* **RESOLVED**, the Town Board appoints Matthew Kane, Maintenance Electrician, permanent, from Rockland County EL #17092, effective 02/14/2018, no change in salary.

PROPOSED RESOLUTION TO NOMINATE MATTHEW LENIHAN COMPUTER NETWORK SPECIALIST, FROM EL #17082.

31. *Proposed Text:* **RESOLVED**, that the Town Board hereby nominates Matthew Lenihan to the position of Computer Network Specialist, Rockland County EL #17082, effective 02/14/2018.

PROPOSED RESOLUTION TO APPOINT CHRISTIAN CATANIA, SENIOR CLERK TYPIST, PERMANENT, FROM EL#17025

32. *Proposed Text:* **RESOLVED**, that the Town Board appoints Christian Catania to the position of Senior Clerk Typist, permanent, from EL#17025, effective 02/01/2018.

MISCELLANEOUS ITEMS

SUPERVISOR

PERSONNEL/DISCUSSION

33. The Town Board will discuss matters related to specific personnel, with Executive Session as required.

ADJOURNMENTS:

- JACK LOVETT, FORMER ORANGETOWN SUPERVISOR