

**TOWN OF ORANGETOWN WORKSHOP MEETING
Tuesday, September 26, 2017**

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

Councilman Denis Troy_____

Councilman Thomas Diviny_____

Councilman Paul Valentine_____

Councilman Jerry Bottari_____

Supervisor Andrew Stewart_____

Pledge of Allegiance to the Flag

ANNOUNCEMENTS :

Town Board to recognize that Robert Tompkins has resigned as Secretary to the Orangetown Housing Authority Board, effective September 13, 2017. He appreciates the opportunity to have been of service these past five years and is hopeful for a brighter future for Cortwood Village residents.

- Tuesday, October 3, 2017 RTBM at 8:15 PM - Public Hearing on the Local Law to Amend the Code of the Town of Orangetown - Chapter 41A: Violations and Penalties

- October 21, 2017 Saturday - RCSWMA Document Shredding - Open to Public from 8:00 A.M. - Noon. The event will be in the parking lot of Town Hall, 26 West Orangeburg Road

- Tuesday, November 14, 2017 Workshop at 8:05 PM - Public Hearing on the 2018 Preliminary Budget

PRESENTATIONS:

- BLAUVELT FIRE COMPANY 2018 BUDGET PRESENTATION
- PEARL RIVER DOWNTOWN BUSINESS AREA ZONING - KEVIN JOYCE, JOYCE REALTY
- OMM PROPOSAL TO PURCHASE AND DEVELOP LAND AT RPC
- SUPERVISOR'S 2018 BUDGET PRESENTATION

AGENDA ITEMS:

TOWN BOARD

**OPEN PUBLIC HEARING (OCTOBER 3, 2017)/PROPOSED
NEW LOCAL LAW/AMENDING CHAPTER 41A: VIOLATIONS
AND PENALTIES/AMENDING CHAPTER 15: FIRE
PREVENTION CODE, ARTICLE I, SECTION 15-(6)B.**

1. RESOLVED, that the public hearing on a proposed local law, amending Town Code Chapter 41A entitled Violations and Penalties and Chapter 15 entitled Fire Prevention

Code at Article I, Section 15-6(B), is hereby opened.

Ayes:

Noes:

PRESENTATION: Notice of Posting and Affidavit of Publication (Town Clerk)

Summary of Public Comments:

CLOSE PH/PROPOSED LOCAL LAW AMENDING CHAPTER 41A VIOLATIONS AND PENALTIES AND AMENDING CHAPTER 15 FIRE PREVENTION CODE, ARTICLE I, SECTION 15-6(B)

2. RESOLVED, that the public hearing on a proposed local law, amending Chapter 41A of the Town Code (Violations and Penalties) and amending Chapter 15 (Fire Prevention Code), Article I, Section 15-6(B), is hereby closed.

Ayes:

Noes:

LEAD AGENCY/SEQRA DECLARATION/AMENDING CHAPTER 41A/AMENDING CHAPTER 15, ARTICLE I, SECTION 15-6(B)

3. WHEREAS, the Town Board has considered the adoption of a Local Law, amending Chapter 41A entitled Violations and Penalties, and Chapter 43 entitled Fire Prevention Code at Article I, Section 15-6(B) regarding violations and penalties under the Town Code; and

WHEREAS, being the only Involved Agency, the Town Board hereby assumes the role of Lead Agency for environmental review; and

WHEREAS, acting in its capacity as Lead Agency for environmental review, and after taking a "hard look" at all of the potential environmental impacts that might result from the proposed action, the Town Board has concluded that there will be no significant environmental impact or effect caused or occasioned by the proposed change in the zoning classification of the subject parcel,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the Negative Declaration (Exhibit _____), and authorizes the Town Supervisor or his designated agent to execute the Environmental Assessment Form and to take such other and further steps as may be necessary to discharge the Town Board's responsibilities as Lead Agency.

Ayes:

Noes:

**ADOPT LOCAL LAW NO. ____ OF 2017, AMENDING
TOWN CODE CHAPTER 41A VIOLATIONS AND PENALTIES
AND CHAPTER 15 FIRE PREVENTION CODE, ARTICLE I,
SECTION 15-6(B)**

4. WHEREAS, the Town Board, in furtherance of its desire to provide for the protection and promotion of the public health, safety, morals, comfort, convenience, prosperity and other aspects of the general welfare of the Town has adopted, implemented, amended and provided for the enforcement of the Town Code and the Zoning Code of the Town of Orangetown, and,

WHEREAS the Town Board ("Board") of the Incorporated Town of Orangetown, New York ("Town") finds that there is a critical and compelling need, in the public interests to protect its citizens and businesses health, safety and welfare and to insure compliance with the Town of Orangetown Building, Planning, Zoning and Fire Codes.

The Town finds and declares that there is no existing law that preempts the adoption of this Local Law so that the public interests in open and transparent government and land use applications and land use can be promoted by enactment of this Local Law to increase fines for failure to comply with the Town of Orangetown Building, Planning, Zoning and Fire Codes.

NOW, THEREFORE, the following Local Law amending Chapter 41A Violations and Penalties and Chapter 15 Fire Prevention Code at Article I, Section 15-6(B) is hereby adopted:

LOCAL LAW NO. ____ OF 2017 OF THE
TOWN OF ORANGETOWN, NEW YORK

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ORANGETOWN AS FOLLOWS:

Section 1. Chapter 41A of the Code of the Town of Orangetown regarding violations and penalties is hereby amended as follows:

§ 41A-1. Penalties for offenses. Any individual, corporation, firm, partnership, association, company or entity of any kind who shall violate any provision of the Orangetown Town Code, to which reference is made to this chapter shall be ~~liable to a fine of not more than \$5,000 or to imprisonment for a period not exceeding 15 days, or both such fine and imprisonment. The continuation of an offense shall constitute, for each week the offense is continued, a separate and distinct offense and shall require a separate and distinct penalty as per this chapter. In addition to the foregoing provisions, the Town shall have such other remedies for any violation or threatened violation as is now or may hereafter be provided by law. The application of any above penalty shall not be held to prevent any action under § 41A-2 of this chapter subject to the following penalties:~~

A. Individual: A sentence to pay a fine when imposed on an individual for an offense defined outside this chapter for which no special fine on an individual is specified, shall be subject to the following:

1) For a first conviction: a maximum fine of Five Thousand (\$5,000.00) Dollars or by imprisonment for a period not to exceed fifteen (15) days, or both such fine and imprisonment. Each week's continued violation shall constitute a separate additional violation.

2) For a second conviction, after having been convicted within a period of five (5) years of the first conviction, such violation shall be subject to the following penalties: a maximum fine of Seven Thousand Five Hundred (\$7,500.00) Dollars or by imprisonment for a period not to exceed fifteen (15) days, or both such fine and imprisonment. Each week's continued violation shall constitute a separate additional violation.

3) For any third or subsequent conviction, after having been convicted two or more times within a period of seven (7) years, such violation shall be subject to the following penalties: a maximum fine of Fifteen Thousand (\$15,000.00) Dollars or by incarceration for a period less than one (1) year, or both such fine and imprisonment. Each week's continued violation shall constitute a separate additional violation.

B. Corporation, Firm, Partnership, Association, Company or Entity: A sentence to pay a fine, when imposed on a corporation, firm, partnership, association, company or entity of any kind for an offense defined outside this chapter for which no special corporate fine is specified, shall be subject to the following:

1) For a first conviction: a maximum fine of Twenty Thousand (\$20,000.00) Dollars, or any higher amount not exceeding double the amount of the corporation's gain from the commission of the offense. Each week's continued violation shall constitute a separate additional violation;

2) For a second conviction, after having been convicted within a period of five (5) years of the first conviction: a maximum fine of Forty Thousand (\$40,000.00) Dollars or any higher amount not exceeding double the amount of the corporation's gain from the commission of the offense. Each week's continued violation shall constitute a separate additional violation.

3) For any third or subsequent conviction, after having been convicted two or more times within a period of seven (7) years: a maximum fine of Sixty Thousand (\$60,000.00) Dollars, or any higher amount not exceeding double the amount of the corporation's gain from the commission of the offense. Each week's continued violation shall constitute a separate additional violation.

C. In addition to the foregoing provisions, the Town shall have such other remedies for any violation or threatened violation as is now or may be hereafter amended by law. The application of any above penalty shall not be held to prevent any action under Section 41A-2 of this chapter.

§ 41A-2. Noncompliance with orders.

Any person, corporation, firm, partnership, association, company or entity of any kind who shall violate any stop-work order of the Building Inspector, Code Enforcement Officer or any other person lawfully entitled to issue such order according to the Orangetown Town Code or any other applicable law shall be punished as set forth in this chapter.

~~§ 41A-4. Prosecution against corporations.~~

~~Penal Law § 80.10 shall apply in full force and effect to any prosecution against any corporation other than as to fines or civil penalties which shall be as set forth in Section 41A-1.~~

~~§ 41A-5. New York Uniform Fire Prevention and Building Code violations.~~

~~Any violation charged under the New York Uniform Fire Prevention and Building Code shall be punishable as set forth in this chapter, unless said New York State Code provides for greater or further punishment.~~

Section 2. Chapter 15, Article I of the Code of the Town of Orangetown is hereby amended by deleting §15-6 (B) and by renumbering as follows:

~~B. A sentence to pay a fine which is imposed on a corporation for an offense defined in this Code shall be in conformity with § 80.10 of the Penal Law which states as follows or as hereafter modified by action of the State Legislature:~~

~~§ 80.10 Fines for corporations.~~

~~1. In general. A sentence to pay a fine, when imposed on a corporation for an offense defined in this chapter or for an offense defined outside this chapter for which no special corporate fine is specified, shall be a sentence to pay an amount, fixed by the court, not exceeding:~~

~~(a) Ten thousand dollars, when the conviction is of a felony;~~

~~(b) Five thousand dollars, when the conviction is of a class A misdemeanor or of an unclassified misdemeanor for which a term of imprisonment in excess of three months is authorized;~~

~~(c) Two thousand dollars, when the conviction is of a class B misdemeanor or of an unclassified misdemeanor for which the authorized term of imprisonment is not in excess of three months;~~

~~(d) Five hundred dollars, when the conviction is of a violation;~~

~~(e) Any higher amount not exceeding double the amount of the corporation's gain from the commission of the offense.~~

~~2. Exception. In the case of an offense defined outside this chapter, if a special fine for a corporation is expressly specified in the law or ordinance that defines the offense, the fine fixed by the court shall be as follows:~~

~~(a) An amount within the limits specified in the law or ordinance that defines the offense; or~~

~~(b) Any higher amount not exceeding double the amount of the corporation's gain from the commission of the offense.~~

~~3. Determination of amount of value. When the court imposes the fine authorized by paragraph (e) of subdivision one or paragraph (b) of subdivision two for any offense the provisions of subdivision three of section 80.00 shall be applicable to the sentence.41A-2~~

~~C. B. The continuation of an offense against the provisions of this Code shall constitute, for each day week the offense is continued, a separate and distinct offense hereunder.~~

Section 3. Severability Clause

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid parts.

Section 4. Effective Date.

This Local Law shall become effective immediately upon being filed with the Secretary of State.

Ayes:

Noes:

**SET PUBLIC HEARING NOVEMBER 28, 2017, 8:10
PM/PROPOSED ZONING CODE CHANGE, REQUIRING
PLANNING BOARD REVIEW OF APPLICATIONS RELATING
TO ANTENNAS ON EXISTING STRUCTURES/DECLARE
LEAD AGENCY/DIRECT CIRCULATION**

5. RESOLVED that the Town Board will hold a public hearing on November 28, 2017, at 8:10 p.m., on a proposed Local Law, as follows, amending Chapter 43, § 18.5, to require Planning Board review of applications relating to antennas on existing structures in nonresidentially zoned areas.

BE IT BURTHER RESOLVED, that in connection therewith, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review under SEQRA, and directs that a Lead Agency Coordination Letter with

relevant documents be circulated to and among the various above referenced agencies; and

BE IT FURTHER RESOLVED, that the circulation to the Rockland County Department of Planning further be for the purpose of review pursuant to General Municipal Law §§ 239- I & m; and

BE IT FURTHER RESOLVED, that, pursuant to Town Code Chapter 43, § 10.5, the Town Board hereby refers the proposed Local Law to the Town Planning Board, inviting its input regarding, among other things, the implications of such an amendment, and requesting a response within 30-days.

PROPOSED LOCAL LAW NO. __ OF 2017, AMENDING CHAPTER 43, § 8.15, OF THE ZONING LAW OF THE TOWN OF ORANGETOWN TO REQUIRE PLANNING BOARD REVIEW OF APPLICATIONS RELATING TO ANTENNAS ON EXISTING STRUCTURES IN NONRESIDENTIALLY ZONED AREAS

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

Section 1: Chapter 43 (Zoning) § 8.15.D of the Town Code of the Town of Orangetown, relating to telecommunication facilities, shall be amended to remove the distinction in the application and approval procedure between proposed structures to be located in residential and non-residential zoning areas. As amended, § 8.15.D shall read:

NORMAL = EXISTING LANGUAGE THAT WILL REMAIN
BOLD TYPE = PROPOSED ADDITIONS
~~STRIKEOUTS~~ = PROPOSED DELETIONS

Chapter 43. Zoning. Article VIII. Conditional Use Standards

§ 8.15. Wireless communication facilities.

* * *

D. Procedure; fee.

(1) All proposals to erect or operate wireless communication facilities shall be accompanied by a facility service plan which shall include information necessary to allow the Planning Board to understand the existing, proposed and long-range plans of the applicant. The facility service plan shall include at least the following information:

(a) The location, height and operations characteristics of all existing facilities of the applicant in and immediately adjacent to the Town.

(b) A commitment to colocate or allow colocation wherever possible on all existing and proposed facilities.

~~(2) In nonresidentially zoned areas, the location of antennas on existing water tanks, power lines, roof tops or any other existing structure may be approved by the Building Inspector upon compliance with all applicable sections of this section and the following:~~

~~(a) The existing antenna facility complies with the provisions of this article;~~

~~(b) To the extent antennas are being colocated, the consolidated, shared or coused antenna facility complies with the conditions set forth in this article;~~

~~(c) The planned equipment would not exceed the structural capacity of the existing antenna mounting structure; and~~

~~(d) The planned equipment will not cause interference with existing equipment.~~

~~(3)~~**(2)** In residentially zoned areas, all proposed antennas and all proposed antenna towers are subject to the issuance of a special permit by the Planning Board after review and approval by the Architecture and Community Appearance Board of Review.

~~(4) In nonresidentially zoned areas, all proposed antenna towers are subject to the issuance of a special permit by the Planning Board after review and approval by the Architecture and Community Appearance Board of Review.~~

~~(5)~~**(3)** The applicant shall provide funds to an escrow account to allow the Building Inspector or the Planning Board to retain such technical experts involving radio frequency as may be necessary to review the proposal, provided that no funds shall be deposited until a scope of work is agreed upon among the applicant, the expert and the Board.

~~(6)~~**(4)** The Planning Board is hereby authorized to issue a special permit under the provisions of this article subject to all of the special requirements and conditions herein and any requirements which may be made a part hereof.

~~(7)~~**(5)** Application to the Planning Board for a special permit under this article shall be accompanied by a fee of \$250.

~~(8)~~**(6)** Prior to or concurrent with the filing of a formal application to the Planning Board to obtain a special permit under this article, the applicant shall submit information needed to meet the requirements of the New York State Environmental Quality Review Act (SEQRA) to the Planning Board, which Board shall determine whether the requirements of SEQRA have been met. The Planning Board may hold a public hearing under the provisions of SEQRA and this article whenever practicable. In the event that a final SEQRA determination has not been made, no application for a special permit under this article shall be granted.

~~(9)~~**(7)** The Planning Board shall hold a public hearing on due notice within 62 days after submission of a formal completed application, including such technical information from the applicant as may be required by the Planning Board for a special

permit under the provisions of this article.

Section 2: This local law shall become effective immediately upon filing with the Secretary of State.

**REVISE RESOLUTION 433 OF 2018/SET
PH/CONTRACT/BLAUVELT FIRE DISTRICT**

6. WHEREAS, Resolution 433 of 2017 set a public hearing date of October 3, 2017 for the Blauvelt Fire District contract; and

WHEREAS, by law the hearing date for all fire districts is October 17, 2017; be it

RESOLVED, that the Town of Orangetown hereby amends Resolution 433 of 2017 to set a public hearing for Tuesday, October 17, 2017 for the Blauvelt Fire District contract.

TOWN ATTORNEY

**CONFIRM PREVIOUSLY ADOPTED RESOLUTION NO. 51
OF 2017, ADOPTED SUBJECT TO PERMISSIVE
REFERENDUM, AUTHORIZING THE CONVEYANCE OF THE
TOWN'S INTEREST, IF ANY, IN THE PEARL RIVER
CEMETERY TO BE EFFECTIVE**

7. WHEREAS, by Resolution No. 51 of 2017, the Town Board, pursuant to N.Y.S. Town Law §§ 291 and 292, authorized, subject to permissive referendum, the conveyance of the Town's interest, if any, in the Pearl River Cemetery, a 2.1202 acre plot of land located between South John Street and Franklin Avenue in the Hamlet of Pearl River, and bearing Tax Map designation 68.20-2-68 on the Tax Map of the Town of Orangetown (the "Cemetery"), to the Pearl River Cemetery Corp., a to be formed not-for-profit corporation authorized by Article 15 of the N.Y.S. Not-for-Profit Corporation Law to accept such a conveyance, subject to adequate evidence of the formation of the said corporation and other filings, if and as may be required by the N.Y.S. Department of State, Division of Cemeteries; and

WHEREAS, following the adoption of Resolution 51 of 2017, the Town caused to be published in the Official newspaper of the Town, notice of the adoption of said Resolution, subject to permissive referendum; and

WHEREAS, following notice duly published in accordance with law, the Legislature of the County of Rockland, by Resolution No. 417 of 2017, too approved the conveyance of the Town's interest in the said cemetery lands, subject to the same conditions as imposed by the Town; and

WHEREAS, more than 30 days have passed since the adoption of Resolution No. 51 of

2017, and the publication of notice of same, and no party has filed a petition requesting or demanding that a referendum on the conveyance be conducted,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby determines Resolution No. 51 of 2017 to be effective, and authorizes the Supervisor, or his designated representative, to execute a Quitclaim Deed, and such other documents as may be necessary to effectuate the conveyance of the Town's interest in the premises, to the Pearl River Cemetery Corp. upon satisfaction of the conditions set forth in said resolution.

Ayes:

Noes:

HIGHWAY/POLICE

LEND ASSISTANCE/TEAM KJ MICKEY SULLIVAN DUATHLON/SUNDAY, OCTOBER 8, 2017

8. RESOLVED, that the Town Board hereby authorizes the Town of Orangetown Highway and Police Department to lend assistance which includes the use of barrels, verticades, cones and barricades from the Highway Dept., and Auxiliary Police from the Police Department for the Team KJ run on Sunday, October 8, 2017, from 7 am to 2 pm.

PARKS AND RECREATION

APPROVE SHOWMOBILE/SOUTH ORANGETOWN DAY/SATURDAY, OCTOBER 14, 2017

9. **RESOLVED**, upon completion of all necessary paperwork the Superintendent of Parks and Recreation has forwarded for approval by the Town Board use of the Showmobile by the South Orangetown Day Committee for their South Orangetown Day on Saturday, October 14, 2017 at a rental cost of \$400.00 with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

HIGHWAY

DECLARE SURPLUS EQUIPMENT

10. RESOLVED, that upon the recommendation of the Superintendent of Highways, the Town Board hereby declares the following equipment as surplus:

1990	FWD	1F9AH28R4LCFT1125
1992	FWD	1F9AA28G6NCFT1083

1988	FWD	1F9AH28R8JCFT1142
2005	FELLING TRAILER	5FTTE162551024962
2006	FELLING TRAILER	5FTTE162561026079

FWD PARTS BY PALLET

1. Two rear differentials complete, Two rear differential ring and pinion gear sets, Miscellaneous yokes, pinion nuts, spider gears and crosses, bearings, cups, ring gear adjusting nuts, clutch pack pads and spacers. Wheel nuts and locks.
2. Transfer Case gears, power divider housings and parts, shift forks, miscellaneous transfer case parts.
3. Six rear brake shoes relined, 8 front brake shoes relined, extra front shoe lining, S-cams and bushings, brake hardware, seals, all parts associated with brakes.
4. Three rear skeins, Suspension hangers, pins and bushings, front hub ends. Tie rod ends and miscellaneous suspension and steering parts.
5. Miscellaneous body and cab parts, gauges, switches, fan motors, air powered wiper motors, door hinges, fuel tank and 2 support brackets and assorted parts associated with the cab.
6. 8-Long rear axles, 1-Short rear axle, miscellaneous exhaust pipes and parts.

DEME

ASSISTANT PLANT OPERATORS SALARY CHANGE/DEME

11. WHEREAS, Assistant Plant Operators (APO) are vital for the operation and maintenance of the Wastewater Treatment Plant, pump stations and the sewer collection system. Their qualifications are dictated by the New York State Department of Conservation (NYSDEC) and these titles and functions are mandated by the NYSDEC. There is a series of required courses, minimum training, experience, testing and on-going training to maintain an Operator's certification. This is in addition to required Civil Service testing and regulations. There is a shortage of APO partly due to the stringent requirements, high level of responsibility and modest salary.

WHEREAS, the NYSDEC mandates that a WWTP with a score of 56-75 have either a Chief Operator or APO (minimum grade 2) be present and in responsible charge of the facility. They must respond to any inquiry by the NYSDEC whether it is from an unannounced site visit or other type of correspondence at any time and will be held responsible for full compliance or may face personal fines/imprisonment or loss of certification.

WHEREAS, the Orangetown WWTP has a score of 72.25. If one more element of treatment is required in the future by the NYSDEC, the WWTP score will most likely

exceed 75 and APO will then be required to have a grade 3 certification. There are new conditions in our renewed SPDES permit that will increase the scoring of the WWTP most likely by 2020.

WHEREAS, it is in the best interest of the Town of Orangetown to employ APO with grade 3 certifications and to create an incentive for other APO to obtain a grade 3 certification. This insures that there are qualified individuals operating and maintaining the WWTP and it's facilities and will safeguard the Town when the scoring of the WWTP is upgraded. This can be done by paying APO a salary commensurate with their levels of responsibility.

Therefore, resolved that Assistant Plant Operators with a grade 3 certification be paid at CSEA contract grade 17.

TRAFFIC ADVISORY BOARD

APPROVE RECOMMENDATION/RESTRICT PARKING ON FOREST AVE/PEARL RIVER/SIX MONTH TRIAL

12. WHEREAS, the Traffic Advisory Board for several months has reviewed and discussed residents' concerns about traffic on Forest Avenue at North Middletown Road;

RESOLVED, that the Town Board supports the recommendation of the Traffic Advisory Board to restrict parking on the north side of Forest Ave from North Middletown Road to house #185 and on the south side of Forest Avenue from North Middletown Road to house #184 for a six-month trial period, effective October 1, 2017.

NEW BUSINESS

ADJOURNMENT:

- Captain William Archacki (Retired/Clarkstown Police Department), a member of the Police Chiefs' Association, and grandfather of Orangetown PO Gregory Baisley.