

**TOWN OF ORANGETOWN REGULAR TOWN MEETING
Tuesday, August 15, 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 :

- Public Meeting - 2018 Budget Presentations by Department Heads - Saturday, September 9, 2017 8:00 A.M. - 12:00 P.M.
- 16th Anniversary of 9/11 - Remembrance Service on September 11, 2017 at 6:00 P.M. at the Town Hall Lawn Monument (Chief Nulty - All Are Welcome!)
- September 5, 2017 Workshop - Nyack Ambulance, Rockland Paramedics, and South Orangetown Ambulance Corps 2018 Budget Presentations
- September 5, 2017 Police Commission Meeting - Police Department 2018 Budget Presentation
- September 5, 2017 Workshop -Town Departments: Assessor (Brian Kenny), Personnel (Donna Morrison) and Town Attorney (J. Edwards/T. Kenney) - 2018 Budget Presentation
- September 5, 2017 Workshop - Nyack Ambulance, Rockland Paramedics, and South Orangetown Ambulance Corps 2018 Budget Presentations
- Public Meeting - 2018 Budget Presentations by Department Heads - Saturday, September 9, 2017 8:00 A.M. - 12:00 P.M.
- 16th Anniversary of 9/11 - Remembrance Service on September 11, 2017 at 6:00 P.M. at the Town Hall Lawn Monument (Chief Nulty - All Are Welcome!)
- September 12th, 2017 RTBM - Blauvelt Library, Orangeburg Library, Palisades Library and Tappan Library 2018 Budget Presentations
- September 16, 2017 Saturday - 20th Annual Orangetown Police Department Open House 11:00

A.M. - 2:00 P.M. - (Chief Nulty - All Are Welcome!)

- September 26, 2017 Workshop - SUPERVISOR'S 2018 BUDGET PRESENTATION

- September 26, 2018 Workshop - Blauvelt Fire Company 2018 Budget Presentation

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, Orangeburg, NY (Charlotte Madigan, Town Clerk)

PRESENTATIONS:

- Presentation by O'Connor Davies

AGENDA ITEMS:

PUBLIC COMMENT:

TOWN BOARD

OPEN PH AUGUST 15, 2017 AT 8:05 PM/HISTORIC DISTRICTS/AMENDING SECTIONS 12-3, 12-4.(H), 12-5.(A)(3) AND 12-6.(A)(3) AND TO AMEND CHAPTER 43, ARTICLE III, SECTION 3.11 AND THE RELATED GENERAL USE REGULATIONS THERETO

1. RESOLVED, the public hearing on amending Sections 12-3, 12-4.(h), 12-5.(a)(3) and 12-6.(a)(3) and to amend Chapter 43, Article iii, Section 3.11 and the related General Use Regulations thereto is hereby opened.

Ayes:

Noes:

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

Summary of Public Comments:

CONTINUE/CLOSE PH/HISTORIC DISTRICTS/AMENDING SECTIONS 12-3, 12-4.(H), 12-5.(A)(3) AND 12-6.(A)(3) AND TO AMEND CHAPTER 43, ARTICLE III, SECTION 3.11 AND THE RELATED GENERAL USE REGULATIONS THERETO

2. RESOLVED, that the public hearing on the proposed amendments to Sections 12-3, 12-4.(h), 12-5.(a)(3) and 12-6.(a)(3) and amendments to Chapter 43, Article iii, Section 3.11 and the related General Use Regulations thereto is hereby continued/closed.

Ayes:

Noes:

LEAD AGENCY/ SEQR DESIGNATION/HISTORIC DISTRICTS/AMENDING SECTIONS 12-3, 12-4.(H), 12-5.(A)(3) AND 12-6.(A)(3) AND TO AMEND CHAPTER 43, ARTICLE III, SECTION 3.11 AND THE RELATED GENERAL USE REGULATIONS THERETO

3. WHEREAS, the Town Board has considered the adoption of a Local Law, amending Chapter 12 entitled Historic Areas, and Chapter 43, Article III, Table of General Use Regulations regarding signage in the Historic Areas of the Town; and

WHEREAS, on July 19, 2017, the Town Board circulated amongst various potential interested agencies notice of its intention to assume Lead Agency status for the purpose of the environmental review of the above referenced action; 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 12 HISTORIC AREAS, AND
CHAPTER 43, ARTICLE III, TABLE OF GENERAL USE
REGULATIONS**

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, and an ad-hoc committee of concerned residents, in its review of the Town Code concerning Historic Areas and the Town Zoning Code insofar as it relates to the Historic Areas recognizes the need for improvements relating to historic preservation particularly addressing signage and demolition; and

WHEREAS, the Town Board has determined, after consultation with all relevant Town departments that the Town Code and the Zoning Code did not adequately address concerns regarding signage in the Historic Areas, and notification regarding demolition of properties within the Historic Areas;

NOW, THEREFORE, the following Local Law amending Chapter 12 Historic Areas and Chapter 43, Article III, Table of General Use Regulations of the Town Zoning Code is hereby adopted:

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

A LOCAL LAW TO AMEND Chapters 12 of the Code of the Town of Orangetown to AMEND Sections 12-3, 12-4.(H), 12-5.(A)(3) and 12-6.(A)(3), and TO AMEND Chapter 43, Article III, Section 3.11 and the related General Use Regulations thereto.

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

Section 1. That Local Law Number 13 of 1997 (Chapter 12 of the Code of the Town of Orangetown entitled "Historic Areas") is hereby amended to include a new definition in Section 12-3. Entitled "Definitions" to read as follows:

Monument Sign — a freestanding sign that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick.

Section 2. That Local Law Number 13 of 1997 (Chapter 12 of the Code of the Town of Orangetown entitled Historic Areas) is hereby amended by a revision to Section 12-4 entitled "Controls within the Historic Areas", subsection (H), to read as follows (deletions shown by strike-out)(additions in **bold**):

H.

Applications by ~~Owners~~ owners of structures constructed before December 31, ~~1918~~ **1945**, in the Historic Area who desire to tear down a structure shall ~~obtain a permit 90 days in advance of tearing down such a structure in order that anyone who desires to save the structure by suitable means may have time to do so.~~ **be reviewed and decided upon by the Historic Areas Board of Review (HABR) at a public hearing. Upon referral of an application to the Historical Areas Board of Review by the Director of the Office of Building Zoning Planning Administration and Enforcement (OBZPAE), the applicant shall be required to place a public notice in an official newspaper of the Town and at the Structure at least FIVE (5) BUSINESS DAYS prior to the public hearing. Proof of publication of the public notice in the official Town newspaper and proof of posting at the structure shall be provided to the Clerk of the HABR at or prior to the public hearing. In addition, a NINETY (90) DAY waiting period shall begin on the day the decision is filed with the Town Clerk. The demolition permit shall not be issued until HABR has rendered their decision and the NINETY (90) DAY waiting period has expired.**

Section 3. That Local Law Number 13 of 1997 (Chapter 12 of the Code of the Town of Orangetown entitled Historic Areas) is hereby amended by a revision to Section 12-5 entitled "Uses permitted in the Tappan Historic Area", at section A relating to CS Districts at subsection (3) to read as follows (deletions shown by strike-out)(additions in **bold**):

(3)

Permitted: All uses and regulations described and permitted in Columns 5, 6, and 7 of the Table of General Use Regulations, except that signs shall conform to the requirements of an R-15 District ~~unless otherwise permitted by the Board of Review.~~ **Monument signs, if permitted, would not exceed TWENTY (20) square feet.**

Section 4. That Local Law Number 13 of 1997 (Chapter 12 of the Code of the Town of Orangetown entitled Historic Areas) is hereby amended by a revision to Section 12-6. Entitled "Uses Permitted in the Palisades Historic Area, at Section A relating to CS Districts at subsection (3) to read as follows (deletions shown by strike-out)(additions in **bold**):

(3)

All uses and regulations described and permitted in Columns 5, 6, and 7 of the Table of General Use Regulations shall be permitted, except that signs shall conform to the requirements of an R-15 District ~~unless otherwise approved by the Board of Review.~~ **Monument signs, if permitted, would not exceed TWENTY (20) square feet.**

Section 5. That Local Law Number 4 of 1969 (Chapter 43 of the Town of Orangetown entitled "Zoning"). as amended by Local Law Number 1 of 1993, Local Law Number 6 of 1994 and Local Law Number 9 of 2016, at Article III is hereby amended by inserting a revision to the "Table of General Use Regulations (§3-11)" established thereby for the R-80 Zoning District (entitled 43 Attachment 1), at Column 5 ("General Accessory Uses"), Number 12, to add a new section (a) to read as follows:

For any nonresidential establishment or institution permitted in R-80, the Board of

Appeals may permit one sign not over 20 square feet in area which may be illuminated, provided that the light source is not visible to, or directed toward, a residential use, and is located at 25 feet from any lot line, and not more than 2 non-illuminated directional signs, each not over 2 square feet in area, provided that such signs are located not over a mile from the establishment, as measured along existing public roads, and are set back at least 10 feet from the front lot line, except at intersections, where the setback shall be 35 feet.

(a) For uses permitted within the Historic Areas:

1. Neon, electronic, and back-lighted signs are not permitted on the building or in the windows and on the doors of the structure.

2. Temporary signs affixed to a building or a post until a permanent sign is installed may be displayed for SIXTY (60) days prior to approval of a permanent sign. The sign shall not be any larger than what is allowed for permanent signs.

3. Lettering on windows and doors is subject to approval by the Historical Areas Board of Review.

Section 6. That Local Law Number 4 of 1969 (Chapter 43 of the Town of Orangetown entitled "Zoning"). as amended by Local Law Number 1 of 1993, Local Law Number 6 of 1994 and Local Law Number 9 of 2016, at Article III, is hereby amended by a revision to the "Table of General Use Regulations (§3-11)" established thereby for the CS Zoning District (entitled 43 Attachment 5), at Column 5 ("General Accessory Uses"), Number 6 to add a new subsection (c) to read as follows:

(c) For properties located within the Historic Areas:

1. Neon, electronic, and back-lighted signs are not permitted on the building or in the windows and on the doors of the structure.

2. Temporary signs affixed to a building or a post until a permanent sign is installed may be displayed for SIXTY (60) days prior to approval of a permanent sign. The sign shall not be any larger than what is allowed for permanent signs.

3. Lettering on windows and doors is subject to approval by HAVOR.

Section 7. Severability.

The provisions of this local law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this local law.

Section 8. Effective Date.

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

**CONTRACT OF SALE/JPM CHASE/PORCION OF ROCKLAND
PSYCHIATRIC CENTER (AND ACCOMPANYING
DOCUMENTS)**

5. *Awaiting language from the Town Attorney*

SET ORANGETOWN BASE PROPORTION

6. RESOLVED, that upon the recommendation of the Assessor, the Town Board hereby adopts the Certificate of Current Homestead Base Proportions and Adjusted Base Proportions (Forms 6701 & 6703) pursuant to Article 19, Section 1903 of New York State Real Property Tax Law for the Levy of School Taxes on the 2017 Assessment Roll, and the Town Clerk is hereby authorized to affix Town Certification.

**SET PUBLIC HEARING/CONTRACT/BLAUVELT FIRE
DISTRICT CONTRACT**

7. RESOLVED, that pursuant to Town Law Sect. 184, the Town Board will hold a Public Hearing on October 3, 2017, at 8:05 P.M., to consider a Contract with the Blauvelt Volunteer Fire Department, for the 2018 Fire Protection Services in and throughout the Blauvelt Fire Protection Fire District, within the Town.

**SET DATE/PUBLIC HEARING/2018 PRELIMINARY
BUDGET**

8. RESOLVED, that the Town Board affirms the previously scheduled public hearing on the 2018 Preliminary Budget for November 14, 2017, at 8:05 P.M., and authorizes the Town Clerk to publish the meeting notice, publish the existing Supervisor's Tentative Budget as the Preliminary Budget, and have it available on the Town website and in the Town Clerk's Office for public viewing.

**APPOINT WORKPLACE VIOLENCE PREVENTION
OVERSIGHT COMMITTEE (WVPOC)**

9. WHEREAS, the Town adopted a Workplace Violence Prevention Plan to, among other things, provide information to supervisors and employees about preventing and responding to incidents of workplace violence or threats of violence; and

WHEREAS, the Policy included the establishment of a Workplace Violence Prevention Oversight Committee (WVPOC) to assist with the administration of the Plan; now therefore, be it

RESOLVED, that, the Town Board appoints the following, or his or her designee, to serve on the Orangetown WVPOC:

- Denis Troy, Town Councilman/Paul Valentine, Alternate
- James Dean, Superintendent of Highways
- Donna Morrison, Human Resource Coordinator
- Joseph Moran, Director of Department of Environmental Management & Engineering
- Director of the Office of Building, Zoning, Planning, Administration & Enforcement John Edwards, Town Attorney
- Aric Gorton, Superintendent of Parks, Recreation & Buildings
- Kevin Nulty, Chief of Police
- CSEA employee-member (to be designated by CSEA)
- PBA employee-member (to be designated by PBA)

The responsibilities of the Committee will include, but not be limited to, reviewing incident reports, formulating recommendations designed to reduce the potential for workplace violence, coordinating employee training and education programs, and updating the Workplace Violence Prevention Plan as needed (subject to the approval of the Town Board).

RECOGNIZE TENANT/PATRICIA BROWN/REPRESENTATIVE ORANGETOWN HOUSING AUTHORITY BOARD

- 10. RESOLVED, that Patricia Brown is recognized as a tenant representative of the Orangetown Housing Authority Board, based on report of election results. She was elected for a 2-year term on June 29, 2017 and expires on June 30, 2019.

TOWN ATTORNEY

ACCEPT/RECEIVE/FILE/STORM WATER MAINTENANCE AGREEMENTS/HAWKS VIEW SUBDIVISION/TAX LOT 71.05 BLOCK 1 LOTS 22 AND 23/290 AND 298 SOUTH BOULEVARD

- 11. RESOLVED, that upon the recommendation of DEME and the Town Attorney’s Office, accept, receive and file four Declarations of Covenant for the Annual Inspection and Maintenance of Storm Water Control Facilities from SMK Home Builders, Inc. for the Hawks View Subdivision project, Planning Board Decision No. 2016-68, and the Supervisor or his designee is hereby authorized to execute all documents necessary to effectuate the acceptance of the covenant on behalf of the Town.

POLICE

RESIGNATION PARKING ENFORCEMENT AID/JOSEPH LUCIANO

12. RESOLVED, that upon the recommendation of the Chief of Police, accept the resignation of Parking Enforcement Aid/Joseph Luciano effective July 18, 2017.

HIGHWAY/PARKS/POLICE

LEND ASSISTANCE/ 2017 PEARL RIVER DAY/OCTOBER 7, 2017

13. RESOLVED, that the Town Board hereby authorizes the Town of Orangetown Highway, Parks and Police Departments to lend assistance which includes the use of trash cans, barricades, message board detour signs from the Highway Dept., the show mobile and port-o-sans from the Parks Dept, and police detail from the Police Department for Pearl River Day on Saturday, October 7, 2017, from 7 am to 9 pm

DEME

APPOINT JAMES LINEKIN/MOTOR EQUIPMENT OPERATOR II (PROBATIONARY)/DEME/EFFECTIVE AUGUST 21, 2017

14. **RESOLVED**, that upon recommendation of the Commissioner of DEME, the Town Board affirms and acknowledges the appointment of James Linekin to the position of Motor Equipment Operator II CSEA Grade 12 Step 4 at a salary of \$66,985.00 (probationary). This position was vacated due to a retirement and is funded in the budget. This appointment is effective August 21, 2017.

APPOINT JOHN FARLEY/MAINTENANCE MECHANIC I (PROBATIONARY)/DEME/EFFECTIVE AUGUST 21, 2017

15. RESOLVED, that upon recommendation of the Commissioner of DEME, the Town Board affirms and acknowledges the appointment of John Farley to the position of Maintenance Mechanic I CSEA Grade 14 Step 2 at a salary of \$66,985.00 (probationary). This position was vacated due to the incumbent being promoted and is funded in the budget. This appointment is effective August 21, 2017.

**APPOINT CHRISTOPHER BOTTARI/LABORER
(PROBATIONARY)/DEME/EFFECTIVE AUGUST 21, 2017**

16. RESOLVED, that upon recommendation of the Commissioner of DEME the Town Board affirms and acknowledges the appointment of Christopher Bottari to the position of laborer CSEA Grade 9 Step 1 at a salary of \$51,994.00 (probationary). This position was vacated due to the incumbent being promoted and is funded in the budget. This appointment is effective August 21, 2017.

**APPOINT BRYAN ANTONUTTI/LABORER
(PROBATIONARY)/DEME/EFFECTIVE AUGUST 21, 2017**

17. RESOLVED, that upon recommendation of the Commissioner of DEME, the Town Board affirms and acknowledges the appointment of Bryan Antonutti to the position of laborer CSEA Grade 9 Step 5 at a salary of \$61,415.00 (probationary). This position was vacated due to the incumbent being promoted and is funded in the budget. This appointment is effective August 21, 2017.

**APPOINT ALDO LEONE/LABORER (PROBATIONARY)/
DEME/EFFECTIVE AUGUST 21, 2017**

18. RESOLVED, that upon recommendation of the Commissioner of DEME, the Town Board affirms and acknowledges the appointment of Aldo Leone to the position of laborer CSEA Grade 9 Step 19/24 at a salary of \$73,191.00 (probationary). This position was vacated due to the incumbent being promoted and is funded in the budget. This appointment is effective August 21, 2017.

AUDIT

19. RESOLVED, upon the recommendation of the Finance Director, Jeff Bencik, the Finance Office is hereby authorized to pay vouchers for a total amount of three (3) warrants for a total of \$2,492,291.84

NEW BUSINESS

ADJOURNMENT:

- Adjournment - Sheriff Kralik