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**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, OCTOBER 3, 2017**

This meeting was opened at 7:30 p.m. Supervisor Stewart presided and Charlotte Madigan, Town Clerk, called the roll. Present were:

- Councilman Denis Troy
- Councilman Thomas Diviny
- Councilman Paul Valentine
- Councilman Gerald Bottari
- Supervisor Andrew Stewart

Also present:

- Charlotte Madigan, Town Clerk
- John Edwards, Town Attorney
- Teresa Kenny, Deputy Town Attorney
- Jeff Bencik, Finance Director
- James Dean, Superintendent of Highways
- Jane Slavin, Director of OBZPAE
- Joseph Moran, Commissioner of DEME
- Aric Gorton, Superintendent of Parks, Recreation & Building Maint.

Pledge of Allegiance to the Flag of the United States of America: Esta Baitler and Mike Mandel

**PRESENTATIONS:**

Orangeburg Commons - Proposal to submit a petition to amend Chapter 4.32(O) of the Zoning Code to Add Child Day Care Centers and Fast Food Restaurants to the list of permitted uses to "Mixed-Use Developments and Expansions"

Summary of Public Comments (RTBM):

**RESOLUTION NO.**

**CLOSE PUBLIC COMMENTS**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED, that the public portion is hereby closed.

Ayes: Supervisor Stewart  
 Councilpersons Diviny, Troy, Valentine, Bottari

Noes: None

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**RESOLUTION NO.**

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

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.

The Town Clerk presented the Affidavit of Publication and Notice of Posting; copies are labelled Exhibit 10-A-17 and made a part of these minutes.

Summary of Public Comments:

**RESOLUTION NO.**

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

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.

**RESOLUTION NO.**

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

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 changes,

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.

**RESOLUTION NO.**

**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)**

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:

**TOWN OF ORANGETOWN  
LOCAL LAW NO. \_\_\_\_\_, 2017  
AMENDING TOWN CODE CHAPTER 41A VIOLATIONS AND PENALTIES AND  
CHAPTER 15 FIRE PREVENTION C**

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 we ek's co ntinued 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 (c) 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~~

~~€. 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.

**RESOLUTION NO.**

**SET PUBLIC HEARING/ DECLARE TOWN BOARD'S INTENT TO BE LEAD AGENCY /DIRECT CIRCULATION PROPOSED ZONING CODE CHANGE REQUIRING PLANNING BOARD REVIEW OF APPLICATIONS / ANTENNAS ON EXISTING STRUCTURES;**

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- 1 & 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  
AMENDING CHAPTER 43, §8.15, OF THE ZONING LAW  
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 **BOLDANDUNDERLINED**  
**TYPE** = PROPOSED ADDITIONS STRIKEOUTS = PROPOSED DELETIONS

Chapter43.Zoning. ArticleVIII.ConditionalUseStandards

§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, ~~a~~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.

**RESOLUTION NO.**

**AMEND RESOLUTION NO. 433/2017  
SET PH/CONTRACT/BLAUVELT FIRE  
DISTRICT**

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 No. 433/2017 to set a public hearing for Tuesday, October 17, 2017, 8:05pm for the Blauvelt Fire District contract.

**RESOLUTION NO.**

**SET PH/PROPOSED NEW LOCAL LAW  
AMENDING CHAPTER 24C PROPERTY  
MAINTENANCE §24C-10(B): PARKING &  
STORAGE OF VEHICLES**

RESOLVED, the Town Board hereby sets a public hearing November 14, 2017, 8:05pm to consider a proposed local law, amending Chapter 24C, entitled Property Maintenance, §24C-10(B), Parking and Storage of Vehicles.

**PROPOSED LOCAL LAW  
AMEND CHAPTER 24C §24C-10(B)**

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

**Section1.**

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 character of its residential areas, and the health, safety and welfare of its residents to ensure that properties in a residential district are used for residential purposes. The objective of this local law is to clarify that properties in residential zoning districts shall be used in accordance with the use tables previously established by the Town.

Section 24C-10(B) currently permits commercial repairs of vehicles in residential districts under certain circumstances, which is not in the best interests of the property owners and residents in these districts.

**Section 2.**

Therefore, §24C-10(B) of the Town of Orangetown entitled "Parking and Storage of Vehicles" is amended to read as follows (additions are underlined, deletions are strikethrough):

**No commercial or for hire automotive repairs shall take place on any property located in any residentially zoned district. in the unincorporated portion of the Town of Orangetown, involving two or more vehicles located simultaneously on said premises, for which a registration certificate has been issued to an address other than the premises in question.**

**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.

**RESOLUTION NO.**

**AID / TEAM KJ MICKEY SULLIVAN  
DUATHLON**

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.

**RESOLUTION NO.**

**DECLARE SURPLUS EQUIPMENT  
HIGHWAY**

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, I-Short rear axle, miscellaneous exhaust pipes and parts.

**RESOLUTION NO. SHOWMOBILE/S. ORANGETOWN DAY**

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.

**RESOLUTION NO. ASSISTANT PLANT OPERATORS SALARY CHANGE/GRADE 16 /DEME**

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 16.

**RESOLUTION NO. ASSISTANT PLANT OPERATORS SALARY CHANGE/GRADE 17 /DEME**

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

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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.

**RESOLUTION NO.**

**POLICE REGUATION / RESTRICT PARKING / FOREST AVE/PEARL RIVER/SIX MONTH TRIAL**

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.

**NEWBUSINESS**

**RESOLUTION NO.**

**AID/ POW'R AGAINST TOBACCO RUN**

RESOLVED, that the Town Board hereby authorizes the Highway and Police Departments to lend assistance, which includes the use of barricades and (5) Auxiliary Police Officers, for the POW'R Against Tobacco on Sunday, October 22, 2017, from 9am to 2 pm.

**RESOLUTION NO.**

**AID/ USE OF TOWN ROADS/VELOCITY COLUMBIA'S RIDE TO END CANCER**

RESOLVED, that the Town Board hereby authorizes the Highway Department in conjunction with the Rockland County Highway Department to use the roadways for The Velocity Columbia's Ride to end Cancer on Saturday, October 7, 2017, from 10:30 am to 1:00 pm.

**RESOLUTION NO.**

**EXTENSION / ACCESS AGREEMENT JPMORGAN CHASE BANK**

WHEREAS, by Resolution No. 61 of 2017, the Town Board authorized the Supervisor to execute an Access Agreement with JPMorgan Chase ("JPMC"), effective 2/17/17 through 6/1/17 (the "Agreement"), allowing JPMC to access Town owned lands and structures at the Rockland Psychiatric Center for the purpose of conducting a due diligence review relevant to its contemplated purchase of such lands for eventual development and use as a data center; and

WHEREAS, by Resolution No. 454 of 2017, the said Agreement was extended, on the same terms and conditions, through and including November 30, 2017 or such earlier date as the Town shall convey the property to JPMChase; and

WHEREAS, JPMC has advised that a further extension of the Agreement is required as the parties work with each other and the State of New York, acting through the Office of Mental Health and other State agencies to finalize the various documents and agreements necessary to close title,

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Supervisor, or his designated representative, to execute a letter agreement on behalf of the Town, extending the Agreement, on the same terms and conditions, through and including November 30, 2017, subject to evidence of continuing insurance coverage as required under the Agreement, such coverage naming the Town, its officers, employees and agents as “additional insured” under the General Liability (and excess) insurance policies of JPM Chase and its contractors and subcontractors.

**RESOLUTION NO. SET PUBLIC HEARING/ DECLARE TOWN BOARD'S INTENT TO BE LEAD AGENCY / 2018-ONE YEAR CONTRACT/ORANGETOWN LIBRARY DISTRICTS**

RESOLVED, the Town Board hereby sets Tuesday, October 17, 2017 at 8:10 pm for a public hearing on the proposed Contracts between the Town and the Blauvelt Free Library, the Orangeburg Library, the Palisades Free Library, and the Tappan Free Library, for library services in and throughout the boundaries of their district as contained in the Orangetown Library District, and including the residents of Sparkill as delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012, within the Town for 2018; and

BE IT FURTHER 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 makes the preliminary determination that the action is an “unlisted” action under SEQRA.

**RESOLUTION NO. AID/ SOUTH ORANGETOWN DAY**

RESOLVED, that the Town Board hereby authorizes the Highway & Parks Departments to lend assistance which includes recycling bags & bins ,message boar, dumpster garbage cans & lighted barricades around the show mobile and (1) regular and (1) ADA accessible port-o-san, for South Orangetown Day on Saturday, October 14, 2017, from 11 am to 6 pm.

**RESOLUTION NO. WALKWAY OF HEROES/ /VFW POST 1615 / COMMEMORATIVE STONE**

WHEREAS, 50 years ago a group of patriotic citizens formed a committee to establish a memorial on the triangular land island formed by the intersections of Independence Avenue and Lowe Lane in Tappan to commemorate Camp Shanks; and

WHEREAS, Camp Shanks, located in Orangetown, was the main embarkation point to Europe for our soldiers during World War II; and

WHEREAS, this resulted in a memorial that featured a statue, captured WWII German canons, and battle stones commemorating the campaigns fought by our troops. Orangetown's Camp Shanks Memorial Park has been subsequently expanded to include the Walkway of American Heroes; and

WHEREAS, there is an existing 21 x 27 granite dedication stone placed in the north east corner of the assembly area by the statue for the Walkway of American Heroes; and

WHEREAS, the work of the original group of citizens should also be acknowledged with an identical dedication stone that lists all of the committee members and the other contributors as they established the park the we all value as a reminder of Orangetown's rich history and its significance in the defense of our nation; and

WHEREAS, the cost of this commemorative stone including the lettering and its flush placement in the paving bricks near the flag pole has been quoted at \$3,000 by Travis Monuments;

RESOLVED, that the Town Board hereby authorizes a pledge of \$3000 to VFW Post 1615 for the purchase and installation of a commemorative stone including the lettering and its flush placement in the paving bricks near the flag pole.

**RESOLUTION NO.**

**GRANT APPLICATION/STATE AND MUNICIPAL FACILITIES PROGRAM  
OAK TREE ROAD SIDEWALKS \$125,000**

WHEREAS, Orangetown has invested in constructing sidewalks along Oak Tree Road from Route 9W in Palisades to Tappan; and

WHEREAS, the Orangetown Highway Department has identified the construction of sidewalks along Oak Tree Road in Tappan from the J.B. Clarke Rail Trail to Route 303 as a priority; and

WHEREAS areas remain along Oak Tree Road where no sidewalks exist; and

WHEREAS Assemblymember Ellen Jaffee has committed to supporting a grant of \$125,000 through the State and Municipal Facilities Program towards the construction of the remaining sidewalks along Oak Tree Road;

BE IT RESOLVED that the Town of Orangetown hereby authorizes the Town Supervisor to pursue a grant of \$125,000 through the State and Municipal Facilities Fund and further authorizes the Supervisor and/or his designee to sign and execute any related documents as necessary to receive this funding.

**RESOLUTION NO.**

**GRANT APPLICATION/NYS MULTI-MODAL PROJECT FUNDING  
PEDESTRIAN SAFETY IMPROVEMENTS  
PEARL RIVER TRAIN STATION/\$125,000**

WHEREAS, the NYS Multi-Modal Program provides reimbursement funding may be used to support capital improvements on certain State or local highways, bridges, rail, port, fixed ferry facilities, or airport projects with a ten year minimum service life; and

WHEREAS, all projects must be primarily for an eligible public transportation purpose and use; and

WHEREAS, the Orangetown Highway Department has identified a need for road and sidewalk improvements around the Pearl River Train Station to improve and enhance pedestrian safety; and

WHEREAS, Assembly Member Ellen Jaffee has committed to supporting a grant of \$125,000 through the Multi-Modal Program towards the construction road and sidewalk improvements around the Pearl River Train Station to improve and enhance pedestrian safety; and

BE IT RESOLVED that the Town of Orangetown hereby authorizes the Town Supervisor to pursue a grant of \$125,000 through the Multi-Modal Program and further authorizes the Supervisor and/or his designee to sign and execute any related documents as necessary to receive this funding.

**RESOLUTION NO.**

**ACCEPT/RECEIVE/FILE/TOWN CLERK'S OFFICE**

RESOLVED, that the following documents are accepted, received and filed in the Town Clerk's Office:

1. Town Board minutes: September 5, 2017 Police Commission; September 5, 2017 Workshop; and September 12, 2017 Regular Town Board Meeting.
2. Agreement with Orange & Rockland Utilities: Vegetation Management, J B, Clarke Rail Trail (Delongis Ct., Section).

**AUDIT**

**RESOLUTION NO.**

**PAY VOUCHERS**

RESOLVED, upon the recommendation of the Finance Director, the Finance Office is hereby authorized to pay vouchers on three (3) warrants for a total amount of \$1,914,460.44.

**RESOLUTION NO.**

**ENTER EXECUTIVE SESSION CSEA CONTRACT**

In attendance, at this Executive Session, were Supervisor Stewart, Councilpersons Troy, Diviny, Valentine and Bottari, John Edwards, and Teresa Kenny.

Supervisor Stewart offered the following resolution, which was seconded by Councilman Diviny was unanimously adopted:

RESOLVED, at 9:50 p.m. the Town Board entered Executive Session to discuss the CSEA contract. Supervisor Stewart said no further votes will be taken.

- Ayes: Supervisor Stewart  
 Councilpersons Diviny, Troy, Valentine, Bottari  
 Noes: None

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**RESOLUTION NO.**

**RE-ENTERED RTBM/ADJOURNED**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Valentine and was unanimously adopted:

RESOLVED, at ---- pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of Benjamin Roujansky, Orangeburg resident, former Post Commander of the Jewish War Veterans Post 731, former Commander of the Raymond W. DeMeolia Veterans of Foreign Wars Post 1615, and docent at the Camp Shanks Museum; Margaret Donovan, Pearl River; Peter Bohan, Pearl River; and Captain William Archacki,

grandfather of Orangetown PO Gregory Baisley, and retired from the Clarkstown Police Department.

Ayes: Supervisor Stewart  
Councilpersons Valentine, Troy, Diviny, Bottari  
Noes: None

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**Charlotte Madigan, Town Clerk**