

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
MARCH 13, 2018**

This Regular Town Board Meeting was opened at 7:35 p.m. Supervisor Day presided and the Deputy Clerk, called the roll.

Present were: Supervisor Chris Day
Councilman Denis Troy
Councilman Thomas Diviny
Councilman Paul Valentine
Councilman Jerry Bottari

Also present were: Amanda Hyland, Supervisor's Confidential Assistant
Michael Lawler, Deputy Supervisor
Charlotte Madigan, Town Clerk
Joseph Thomassen, 1st Deputy Clerk/Collector
John Edwards, Town Attorney
Robert Magrino, Deputy 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
Kevin Nulty, Police Chief

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

Summary of Public Comments (RTBM):

Mike Mandel, Pearl River – the Town Code should be updated regarding all Land Use Boards. He is in favor of completion of the Cherry Brook project; and the resolutions regarding State Lands and PILOTs.

Andrew Wiley, Pearl River – spoke about actions to cure violations, selective enforcements, violations and FOILs.

Annamarie Uhl, Blauvelt – discussed and made suggestions for the Supervisor's facebook page.

Heather Hurley, Pearl River – difficult to access the odor reporting form. An outside realtor, not Joyce Realty, should do the market analysis for the development of 12-16 N Main St. Pearl River.
Barbara Delo, Blauvelt – money decisions, family, friends are important; be mindful when developing RPC.

Allyson Sullivan, Blauvelt – agrees the odor reporting form is difficult to find. What is TRC going to test?

RESOLUTION NO. 144

CLOSE PUBLIC COMMENTS

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

RESOLVED, that the public portion is hereby closed.

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

Noes: None

RESOLUTION NO. 145

**OPEN PH / ORANGEBURG
COMMONS / ZONING TEXT
AMENDMENT / CHILD DAY CARE
SPECIAL PERMIT USE**

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

RESOLUTION NO. 145 - Continued

RESOLVED, that the public portion is hereby opened.

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

The Deputy Clerk presented the Affidavit of Publication and the Notice of Posting; copies are labeled Exhibit 03-A-18 and made a part of these minutes.

Summary of Public Comments:

Esta Baitler, Sparkill – is against a Child Day Care Center near railroad tracks.
Mary Cardenas, Town Historian – is against this project due to safety concern (near Route 303 and railroad tracks. The Town should not amend the zoning districts or special permit uses.
Noelle Wolfson, Attorney for petitioner, this public hearing is only to amend the zoning text by adding Child Day Care Center to Mix-Use Special Permits uses.
Matthew Jarmel, explained all the safety measures that will be in place: children are walk-in by parents, designated drop-off & pick-up areas, outside play area surrounded by 6ft solid fence, and close circuit camera inside and out.

RESOLUTION NO. 146

**CONTINUE PH / ORANGEBURG
COMMONS / ZONING TEXT
AMENDMENT / CHILD DAY CARE
SPECIAL PERMIT USE**

Supervisor Day offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

RESOLVED, that the public portion is hereby continued on MARCH 20, 2018, 8:05 pm.

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

RESOLUTION NO. 147

**RESCHEDULE PUBLIC HEARING
BOND ISSUANCE FOR INCREASE &
IMPROVEMENTS OF SEWER
FACILITIES**

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

RESOLVED, the Town Board hereby reschedules the public hearing for April 10, 2018 at 8:45 pm to discuss Bond issuance for increase and improvements to sewer facilities.

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

RESOLUTION NO. 148

**OPEN PH / APPROVE PROPOSAL
“1-800-GOT-JUNK” / 117 PROSPECT
PLACE, PEARL RIVER / CORRECT
OFFENDING CONDITION**

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

RESOLUTION NO. 148 - Continued

RESOLVED, that the Town Board hereby opens the public hearing to consider decision to authorize "1-800-GOT-JUNK" to correct the offending condition and charge the cost to the owner of the property at 117 Prospect Place, Pearl River.

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

Summary of Public Comments:

Mike Mandel, Pearl River – these offending conditions has been happening for several years. Are the cars and pod container part of the removal?

Tom Fennell and Robert Ruderman, Pearl River – in favor. The owner is a hoarder: the house, three cars, (not registered) and a pod container are all filled with all kinds of garbage, causing a fire hazard.

Jane Slavin, Director of OBZPAE, said the Code Enforcement Officers are following the Property Maintenance Code and they are doing whatever they can legally.

RESOLUTION NO. 149

**CLOSE PH / APPROVE PROPOSAL
"1-800-GOT-JUNK" / 117 PROSPECT
PLACE, PEARL RIVER PROPERTY
CORRECT OFFENDING CONDITION**

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

RESOLVED, that the public portion is hereby closed.

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

RESOLUTION NO. 150

**APPROVE / PROPOSAL / "1-800-GOT-
JUNK" / 117 PROSPECT PLACE
PEARL RIVER / CORRECT
OFFENDING CONDITION**

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

RESOLVED, that the Town Board approves proposal from "1-800-GOT-JUNK" to correct the offending condition at 117 Prospect Place, Pearl River and any other vendor so deem necessary, by the Supervisor with the cost be charged to the owner of the property.

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

RESOLUTION NO. 151

**SET PUBLIC HEARING / PROPOSED
AMENDMENT TO MIXED USE
DEVELOPMENT AND MIXED USE
EXPANSION SPECIAL PERMITS/ DAY CARE
CENTER / ORANGEBURG COMMONS
(SECTION 74.15, BLOCK 1, LOTS 21.1/1;
21.1/2; 21.1/3; 21.1/4; 21.1; AND LOT 22)**

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

RESOLUTION NO. 151 - Continued

RESOLVED, the Town Board hereby sets April 10, 2018 at 8:00 p.m. for a public hearing on certain proposed amendments to Special Permits previously granted for mixed use development and mixed use expansion development of property in the LI Zoning District, located in the vicinity the intersection of State Rte. 303 and the Palisades Interstate Parkway (Exit 5 Interchange), in the Town of Orangetown (Town of Orangetown Tax Map: Section 74.15, Block 1, Lots 21.1/1; 21.1/2; 21.1/3; 21.1/4; and 21.1; and Lot 22), allowing Child Day- Care on Parcel 74.15, Block 1, Lot 22.

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

RESOLUTION NO. 152

SET PUBLIC HEARING /PROPOSED AMENDMENT/ CHAPTER 43 / ADD NEW ARTICLE, ARTICLE X-A ENTITLED “PLANNING BOARD” CLARIFICATION /MEMBERSHIP DUTIES AND TRAINING

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

RESOLVED, that the Town Board will hold a public hearing on April 10, 2018, at 8:35 p.m., on a proposed Local Law, amending Chapter 43, by adding a new article, Article X-A entitled “Planning Board” providing for clarification on membership, duties and training for the Town Planning Board.

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

RESOLUTION NO. 153

SET PUBLIC HEARING / PETITION FOR ZONE CHANGE / TOWN PLAZA II / TAX MAP 74.07-1-6

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

RESOLVED, that the Town Board set the date of April 24, 2018 at 8:05 P.M. for a public hearing regarding a petition for zone change, Town Plaza II, Tax Map 74.07-1-6.

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

RESOLUTION NO. 154

ACCEPT PETITION / AMEND CHAPTER 43 (ZONING) AND ZONING MAP / ZONING CLASSIFICATION/ TOWN PLAZA II / 500 ROUTE 303, ORANGEBURG (74.07-1-6) /DIRECT CIRCULATION

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

WHEREAS, the owner of premises located at 500 Route 303, Orangeburg, New York, bearing Tax Map designation 74.07-1-6, located in both the “CC” (Retail-Commerce) and the “LI” (Light Industrial) zoning district, has petitioned the Town Board to change the zoning classification of his property in its entirety to that of “CC” (Retail-Commerce); and

RESOLUTION NO. 154 - Continued

WHEREAS, upon preliminary review, the Town Board is favorably disposed to such a change, because the said premises, as developed and used are more in keeping with the uses permitted in the CC zoning district of which part of the parcel is already zoned; and

WHEREAS, the Town Board wishes to proceed with its consideration of the proposed action, toward which end it wishes to commence the environmental review process, as well as review by other interested agencies; and

WHEREAS, upon review of the Petition, Short Environmental Assessment Form, and related documents and filings, the Board makes the following preliminary determinations:

1. The proposed action is one subject to review under the State Environmental Quality Review Act (“SEQRA”);
2. The proposed action as an “Unlisted” action; and
3. The following are involved or interested or involved agencies in the review process:
 - Orangetown Planning Board;
 - Rockland County Department of Planning;
 - Rockland County Highway Department

NOW, THEREFORE, BE IT RESOLVED, 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 said Petition and a proposed Local Law, amending the Town Zoning Map, 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.

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

**PROPOSED LOCAL LAW
AMENDING CHAPTER 43, § 2.2, (ZONING) FROM “LI” TO “CC”
TOWN PLAZA II
500 ROUTE 303, ORANGEBURG (74.07-1-6)**

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

Section 1: The Zoning Map of the Town of Orangetown, which establishes the areas and boundaries of the various Town zoning districts, is hereby amended to change the zoning district of the following property: 500 Route 303, Orangeburg (Tax Map Designation 74.07-1-6) from the portions thereof that are located in the “LI” (Light Industrial) zoning district to the “CC” (Retail-Commerce) zoning district;

Section 2: This law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION NO. 155

**BOND / CONSTRUCTION OF
HEATING AND AIR CONDITIONING
IMPROVEMENTS/ TOWN HALL /A
MAXIMUM ESTIMATED COST OF
\$165,000/ SUBJECT TO PERMISSIVE
REFERENDUM**

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

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.

RESOLUTION NO. 155 – Continued

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.**

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

Noes: None

RESOLUTION NO. 156

**BOND / PLAYGROUND
IMPROVEMENTS / MAXIMUM
ESTIMATED COST OF \$60,000
SUBJECT TO PERMISSIVE
REFERENDUM.**

Councilman Bottari offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

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.

RESOLUTION NO. 156 - Continued

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.**

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

RESOLUTION NO. 157

**BOND / RECONSTRUCTION AND
RESURFACING OF ROADS
MAXIMUM ESTIMATED COST OF
\$1,800,000 / SUBJECT TO PERMISSIVE
REFERENDUM**

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

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.

RESOLUTION NO. 157 - Continued

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.**

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

RESOLUTION NO. 158

**BOND / REPLACEMENT OF TRAFFIC
MAXIMUM ESTIMATED COST OF
\$1,110,000 / SUBJECT TO PERMISSIVE
REFERENDUM**

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

RESOLUTION NO. 158 - Continued

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.

RESOLUTION NO. 158 - Continued

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

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

RESOLUTION NO. 159

**BOND / CHERRY BROOK STORM
DRAINAGE IMPROVEMENTS /
MAXIMUM ESTIMATED COST OF
\$400,000 / SUBJECT TO PERMISSIVE
REFERENDUM**

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

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:

RESOLUTION NO. 159 - Continued

- 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.**

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

RESOLUTION NO. 160

**BOND / GOLF COURSE POND
 IMPROVEMENTS /MAXIMUM
 ESTIMATED COST OF \$150,000
 SUBJECT TO PERMISSIVE
 REFERENDUM**

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

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,

RESOLUTION NO. 160 - Continued

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.**

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

RESOLUTION NO. 161

**BOND / HEAVY EQUIPMENT
HIGHWAY DEPT / MAXIMUM
ESTIMATED COST OF \$1,800,000
SUBJECT TO PERMISSIVE
REFERENDUM**

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

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.

RESOLUTION NO. 161 - Continued

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.**

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

RESOLUTION NO. 162

SEQRA DETERMINATION / TYPE II ACTION / UPGRADE TO SCADA EQUIPMENT / WASTEWATER TREATMENT PLANT

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

WHEREAS, the Town of Orangetown Department of Environment Management and Engineering has conducted reviews of its existing analog Supervisory Control Data Acquisition System (SCADA) equipment at the Town’s wastewater treatment plant and 44 pump stations and found several issues that must be addressed in order to insure greater operating efficiency over the long term; and

WHEREAS, the Town has determined that an upgraded SCADA system as described and recommended by the Town’s outside consultants would provide improved efficiencies that would allow the Chief Plant Operator to eliminate back shift and possible weekend staff currently required to insure monitoring of the pump stations and shift these resources from 24-hour daily operations to preventive and proactive maintenance, increasing operating efficiencies and cost reductions over time; and

WHEREAS, the State of New York, Environmental Facilities Corporation provides financial assistance to municipalities to upgrade wastewater treatment systems through the New York State Water Infrastructure Improvement Act, Clean Water program for which the Town of Orangetown intends to submit an application for funding; and

WHEREAS, the Town Board, with the assistance of the Department of Environmental Management and Engineering, has considered the proposed action in the light of the State Environmental Quality Control Act (SEQRA), and the implementing regulations adopted thereunder, and has concluded that the action consisting of the upgrading and funding of the wastewater treatment SCADA equipment, constitutes a Type II action under SEQRA in that the action involves “the replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site...”

NOW THEREFORE, BE IT RESOLVED, the Town Board determines that the said action, as described, constitutes a Type II action under SEQRA, as a consequence of which no further action or review under SEQRA is required.

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

RESOLUTION NO. 163

NYSEFC CLEAN WATER GRANT TELEMETRY UPGRADE

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

WHEREAS, the Town of Orangetown Department of Environment Management and Engineering conducted reviews of its existing analog Supervisory Control Data Acquisition system (SCADA) equipment at the Town’s waste water treatment plant and 44 pump stations and found several issues that must be addressed in order to insure greater operating efficiency over the long term;

WHEREAS, the Town of Orangetown in order to determine the status of its SCADA system and identify equipment best suited to improve operating efficiency, engaged a consultant to assess the existing equipment and prepare recommendations for the design, equipment, software and construction services that would be needed to upgrade the system to a digital system that would provide effective communication from all the pump stations to the plant, and to each other, which is not currently the case because of the age of the system and the staggered dates of installation;

RESOLUTION NO. 163 - Continued

WHEREAS, the Town of Orangetown determined that a upgraded SCADA system as described by the consultants would provide improved efficiencies that would allow the Chief Plant Operator to eliminate back shift and possible weekend staff currently required to insure monitoring of the pump stations and shift these resources from 24-hour daily operations to preventive and proactive maintenance, increasing operating efficiencies and cost reductions over time;

WHEREAS, the State of New York, Environmental Facilities Corporation provides financial assistance to municipalities to upgrade waste water treatment systems through the New York State Water Infrastructure Improvement Act, Clean Water program;

WHEREAS, the Town of Orangetown intends to submit an application to the NYS Environmental Facilities Corporation for funding not to exceed 25% of the total project cost, and hereby authorizes the Supervisor, Christopher Day, to submit the application.

WHEREAS, the Town of Orangetown intends to bond for the additional 75% required to complete the project as detailed in bond resolution

NOW, THEREFORE, BE IT RESOLVED BY the Board of the Town of Orangetown:

1. That Christopher Day, as Supervisor, is hereby authorized to file an application to the NYS Environmental Facilities Corporation for funding from the New York State Water Infrastructure Improvement Act for Clean Water projects.

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

Noes: None

RESOLUTION NO. 164

SEQRA DETERMINATION / TYPE II ACTION/UPGRADES TO CHLORINATION EQUIPMENT & PROCESSES / WASTEWATER TREATMENT PLANT

Supervisor Day offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

WHEREAS, in connection with the Town’s obligation to meet compliance requirements set by the NYS DEC for the Town’s SPEDES Permit for the operation of the Town’s Wastewater Treatment Plant, the Town is required to upgrade chlorination equipment and final effluent treatment processes; and

WHEREAS, the improvements required to be made involve the installation of new equipment, including pumps, induction mixer, total residual chlorine (TRC) analyzers, piping and wiring and associated controls; and the treatment processes will include the addition of sodium bisulfite for the dechlorination process; and

WHEREAS, the Town Board, with the assistance of the Department of Environmental Management and Engineering, has considered the proposed action in the light of the State Environmental Quality Control Act (SEQRA), and the implementing regulations adopted thereunder, and has concluded that the installation of the aforesaid upgrades and processes constitute a Type II action under SEQRA in that the action involves “the replacement, rehabilitation of reconstruction of a structure or facility, in kind, on the same site ...”; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board determines that the improvements to be made to the Town’s Wastewater Treatment Plant as aforesaid constitutes a Type II action under SEQRA, as a consequence of which no further action or review is required; and

RESOLUTION NO. 164 - Continued

BE IT FURTHER RESOLVED, the Town Supervisor, or his designated representative is hereby authorized to submit an application to the NYS Environmental Facilities Corporation for funding and financing in connection with the required improvements.

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

RESOLUTION NO. 165

**NYSEFC CLEAN WATER GRANT
IMPROVEMENTS TO MEET
REQUIRED TOTAL RESIDUAL
CHLORINE LIMIT**

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

WHEREAS, the Town of Orangetown in order to comply with the revised SPDES permit issued by the New York State Department of Environmental Conservation to the Orangetown Waste Water Treatment Plant requiring modification of the daily maximum final effluent Total Residual Chlorine (TRC) limit from 0.5mg/L to 0.10m/L, engaged a consulting engineer to prepare an engineering report detailing the design basis, treatment unit type and sizing that will be used to comply with the maximum daily limit of TRC;

WHEREAS, the Town of Orangetown intends to implement the design, equipment and treatment improvements detailed in the consulting engineer's report of April 2017 in order to be in compliance with the requirements of the revised SPDES permit issued by the NYS DEC;

WHEREAS, the State of New York, Environmental Facilities Corporation provides financial assistance to municipalities to upgrade waste water treatment systems through the New York State Water Infrastructure Improvement Act, Clean Water program;

WHEREAS, the Town of Orangetown intends to submit an application to the NYS Environmental Facilities Corporation for funding to underwrite approximately 25% of the total project cost, and hereby authorizes the Supervisor, Christopher Day, to submit the application.

WHEREAS, the Town of Orangetown intends to bond for the additional 75% required to complete the project as detailed in bond resolution YYY

NOW, THEREFORE, BE IT RESOLVED BY the Board of the Town of Orangetown:

1. That Christopher Day, as Supervisor, is hereby authorized to file an application to the NYS Environmental Facilities Corporation for funding from the New York State Water Infrastructure Improvement Act for Clean Water projects.

2. That the Town of Orangetown agrees that it will fund at least 25% of the cost of the Project and that funds will be available upon execution of the contract with the NYS Environmental Facilities Corporation, and that the Town will apply to the Environmental Facilities Corporation for financing for the balance of the project.

I, Charlotte Madigan, Clerk of the Town of Orangetown, New York, do hereby certify that the above resolution was adopted at regular meeting of the Town Council held on March 13th, 2018, and is on file and that said resolution has not been altered, amended or revoked and is in full force and effect.

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

RESOLUTION NO. 166

AGREEMENT / 2018 - CANDLE

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

RESOLVED, that the Town Board hereby authorizes the Supervisor, or his designated representative, to sign an Agreement between the TOWN and CANDLE, at a cost to the TOWN of \$35,132.50 pursuant to which CANDLE shall provide drug abuse and prevention awareness programs and services to the youth of the Town of Orangetown during and throughout calendar year 2018.

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

RESOLUTION NO. 167

**CERTIFICATE OF REGISTRATION
SEWER WORK / 2018**

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

RESOLVED, that upon the recommendation of the Town Attorney and the Commissioner of the Department of Environmental Management and Engineering, a Certificate of Registration for 2018 Sewer Work is approved to:

1. Carmelo Scaffidi & Sons Blacktopping, Inc., 34 North Route 9W, W Haverstraw, NY
2. Environmental Construction, Inc., 21 Holt Drive, Stony Point, NY

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

RESOLUTION NO. 168

**AID / TAPPAN ZEE 7TH ANNUAL
DUTCHMEN 5K RUN**

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

RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby authorizes the Highway & Police Departments to lend assistance, which includes the use of barricades and (5) Auxiliary Police Officers for the Tappan Zee 7th Annual Flying Dutchmen 5K Run, on Saturday, March 24, 2018, from 9 am to 10 am.

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

RESOLUTION NO. 169

AID / 5K NUN RUN

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

RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby authorizes the Highway & Police Departments to lend assistance, which includes the use of barricades and police detail for the 5k Nun Run on Saturday, May 12, 2018, from 8:30 am to 11:30 am.

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

RESOLUTION NO. 170

**AWARD BID / CURB AND SIDEWALK
CONSTRUCTION, REPLACEMENT
AND REPAIR / BELLAVISTA**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for Curb and Sidewalk Repairs and Replacement, which were received and publicly opened on December 20, 2017; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 03-B-18, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Bellavista Construction, the lowest qualified bidder, for a one-year period, under Bid Option 1, for the price of \$148,750.00.

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

RESOLUTION NO. 171

**AWARD BID / INDUSTRIAL SERVICE
UNIFORM CONTRACT / AMERICAN
WEAR INC.**

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

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for Industrial Service Uniforms, which were received and publicly opened on February 8, 2018; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 03-C-18, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to American Wear Inc., East Orange, NJ, the only bidder, Option No. 2 (for a Two (2) Year Agreement) at a cost of \$1.69 per employee.

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

RESOLUTION NO. 172

**DECLARE SURPLUS / RADIO
EQUIPMENT / HIGHWAY**

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

RESOLVED, upon the recommendation of the Superintendent of Highways, declare 2-Way Radio Equipment Surplus.

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

RESOLUTION NO. 173

**AGREEMENT EXTENSION / 2017-2018
LUMP SUM MUNICIPAL SNOW & ICE**

Councilman Troy offered the following resolution, which was seconded by Councilman Bottari and was unanimously adopted:

RESOLUTION NO. 173 - Continued

RESOLVED, that upon the recommendation of the Superintendent of Highways, the Supervisor is hereby authorized to sign the Extended Indexed Lump Sum Municipal Snow and Ice Agreement, between the Town of Orangetown and the New York State Department of Transportation. The amount for the 2017-2018 Agreement is \$224,709.25

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

RESOLUTION NO. 174

**AUTHORIZE IMPROVEMENTS
VETERAN'S MEMORIAL PARK**

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

RESOLVED, upon the recommendation of the Superintendent of Parks and Recreation, the Town Board authorizes improvements to be made to the Vietnam Veteran's Memorial located in Veteran's Memorial Park. All improvements will be funded by the Vietnam Veterans of America, Chapter 333.

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

RESOLUTION NO. 175

**AWARD BID / ATHLETIC COURTS
CRACK REPAIRS / SPORT TECH
CONSTRUCTION**

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

WHEREAS, the Superintendent of Parks and Recreation duly advertised for sealed bids for Athletic Courts Crack Repairs, which were received and publicly opened on March 1, 2018; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 03-D-18, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Sport Tech Construction, Brewster, NY, in an amount not to exceed \$50,000.00.

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

RESOLUTION NO. 176

**ACCEPT DONATION / MEMORIAL
BENCH / BLAUVELT SECTION - J.B.
RAIL TRAIL / HONORING MICHAEL
AND VIRGINIA LYNCH**

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

RESOLVED, upon the recommendation of the Superintendent of Parks and Recreation, accept with gratitude, the donation of one memorial bench to be placed along the Blauvelt section of the J.B. Rail Trail. Engraving upon the bench will read "In Honor of Michael and Virginia Lynch."

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

RESOLUTION NO. 177

**RESIGNATION/RETIREMENT
SAMUEL MOUNIER / MEO II
HIGHWAY DEPARTMENT**

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

RESOLVED, that the Town Board hereby accepts, with regret, the resignation/retirement of Samuel Mounier (MEO II) of the Highway Department.

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

RESOLUTION NO. 178

**MEMORIALIZING RESOLUTION:
OPPOSITION TO STATE TAKEOVER
OF UTILITY PROPERTY ON
PRIVATE RIGHTS-OF-WAY**

Under new business, Councilman Troy offered the following resolution, which was seconded by Councilman Valentine and was unanimously adopted:

WHEREAS, Mass Utility Property located in private rights- of- way is currently assessed by the local municipality where such property is located, and

WHEREAS, the state legislature is considering legislation directing the Commissioner of Taxation and Finance to submit a report analyzing the economic, policy and legal objectives that would be served by the establishment of an assessment ceiling program for all Mass Public Utility Property within New York State, and

WHEREAS, the establishment of such a program would result in a New York State takeover of the assessment of Utility Properties located in private rights- of- way, and

WHEREAS, such program would result in the loss of local assessment of utility property in private rights-of-way as well as possible loss of tax revenue to local municipalities due to such a program not adequately reflecting the value of such property;

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Orangetown that the assessment function now in place for valuing utility property should remain under the control of the local municipality where such property is located and is hereby opposed to the New York State takeover of this assessment function, and

BE IT FURTHER RESOLVED, the Town Clerk is hereby authorized to forward a copy of said Resolution to the following persons:

- Governor Andrew Cuomo
- State Senator David Carlucci
- Assemblyman Kenneth Zebrowski
- Assemblywomen Ellen Jaffee

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

RESOLUTION NO. 179

**MEMORIALIZING RESOLUTION
OPPOSITION TO UTILIZATION OF
PILOTS**

Under new business, Supervisor Day offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLUTION NO. 179 - Continued

WHEREAS, New York State-owned lands are currently assessed by each municipality substantially the same way as is private land and current law provides that this is the exclusive province of the municipality and its local assessors, and

WHEREAS, Governor Andrew Cuomo is proposing to convert the local assessment on State-owned lands into a Payment In Lieu of Taxes (PILOT) program based on existing assessment valuations to be increased each year by an allowable growth factor, and

WHEREAS, NYS Real Property Law 532(d) has required the state to pay taxes on state-owned lands, in part, in recognition of the negative impact of tax exempt lands on the economies of municipalities, and

WHEREAS, this proposal will result in the loss of revenue by the local municipalities and will shift the tax burden to the local taxpayers of counties, towns, schools and villages across New York State;

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Orangetown that the assessment function of State-owned lands should remain under the control of the local municipality where such property is located and is hereby opposed to New York State converting the assessment of such property into a Payment in Lieu of Taxes, and

BE IT FURTHER RESOLVED, the Town Clerk is hereby authorized to forward a copy of said resolution to the following persons:

Governor Andrew Cuomo
State Senator David Carlucci
Assemblyman Kenneth Zebrowski
Assemblywomen Ellen Jaffee

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

RESOLUTION NO. 180

**HUDSON RIVER ESTUARY GRANT
SPARKILL CREEK**

Under new business, Supervisor Day offered the following resolution, which was seconded by Councilman Valentine and was unanimously adopted:

WHEREAS, the Sparkill Creek, a tributary to the Hudson River almost entirely within Orangetown, is subject to frequent flooding which harms residents, businesses, roads, culverts and related infrastructure, and the Town of Orangetown acts in a variety of ways in partnership with other agencies and the Sparkill Creek Watershed Alliance to assess vulnerabilities and plan and mitigate flooding through all available means; and

WHEREAS, the New England Interstate Water Pollution Control Commission (NEIWPC), in cooperation with the New York State Department of Environmental Conservation's (NYS DEC) Hudson River Estuary Program, is inviting proposals for a study that will assess flooding vulnerabilities in a Hudson River watershed or sub-watershed, and propose flood mitigation solutions that consider both engineering (e.g. roads, bridges, culverts) and natural system solutions (e.g. conservation or restoration of wetlands, forests), known as the Hudson River Estuary Program (HREP) Request for Proposals for Watershed and Flood Mitigation and Assessment; and

WHEREAS, funding available is \$110,000 with no matching dollars required; and

WHEREAS, The Town of Orangetown in cooperation with the Sparkill Creek Watershed Alliance and The Chazen Companies shall submit and execute the application through in-kind town services;

RESOLUTION NO. 180 - Continued

RESOLVED, that the Town Board authorizes the Supervisor to submit a grant proposal for up to and not exceeding \$110,000 to the Hudson River Estuary Program (NYSDEC) to pay The Chazen Companies and Simon Gruber to assess flooding vulnerabilities in the Sparkill Creek watershed and propose flood mitigation via both engineered (e.g. bridges and culverts) and natural (e.g. wetland restoration) solutions, at no cost to the town other than grant administration, with the goal of identifying viable flood mitigation projects for which to seek funding in future years.

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

RESOLUTION NO. 181

**AGREEMENT AMENDMENT
CIVICPLUS, INC. ("CivicPlus")
ADDITIVE SERVICE MODULES**

Under new business, Councilman Troy offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

WHEREAS, CivicPlus is engaged in the business of developing, marketing and selling custom community engagement platforms that include web sites, web interfaces and portals and a proprietary government content management system and associated modules; in addition to project development, design, implementation, support and hosting services;

WHEREAS, Client is currently engaged in a relationship with CivicPlus for an internet-based system for agenda management, meeting minutes management and/or streaming media as set forth in the original Agreement signed on March 27, 2017 (“Agreement”);

WHEREAS, Client and CivicPlus have agreed to alter certain terms as set forth in the Agreement by this written instrument duly executed by the Parties, the modification of terms as specified in this amendment.

NOW, THEREFORE, BE IT RESOLVED, Client and CivicPlus agree as follows:

Scope of Services

1. Boards and Committees is hereby added to the Client’s account for use for \$2,400 to be invoiced at signing and subject to the Terms & Conditions of the Agreement. The Annual Fee Increase of the first invoice shall be prorated to correlate with Client’s existing billing cycle.
2. Minutes Module is hereby added to the Client’s account for use for \$2,400 to be invoiced at signing and subject to the Terms & Conditions of the Agreement. The Annual Fee Increase of the first invoice shall be prorated to correlate with Client’s existing billing cycle.

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

RESOLUTION NO. 182

**RETAINER OF DICHTER LAW LLC
JOINT REPRESENTATION / TOWN’S
INTERESTS / PUBLIC SERVICE
COMMISSION / 2018 O&R RATE CASE**

Under new business, Councilman Diviny offered the following resolution, which was seconded by Councilman Valentine and was unanimously adopted:

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to execute an Engagement Letter with Dichter Law LLC, in a form to be approved by the Town Attorney,

RESOLUTION NO. 182 - Continued

pursuant to which the Town of Orangetown will share proportionately with other Rockland County towns and municipal entities (based on population) in the cost of legal representation by the Dichter law firm before the N.Y.S. Public Service Commission, contesting the magnitude of the proposed rate increase sought by Orange & Rockland Utilities under Electric Tariff Rate Case Number 18-E-0067 (Matter Number 18-00253) and Gas Tariff Rate Case Number 18-G-0068 (Matter Number 18-00254). The cost to the Town, as authorized by this resolution, shall not exceed \$10,000.00.

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

RESOLUTION NO. 183

**SET PUBLIC HEARING / PROPOSED AMENDMENT / ZONE CHANGE
70 HICKORY HILL ROAD, TAPPAN
SAMI CONSTRUCTION**

Under new business, Councilman Diviny offered the following resolution, which was seconded by Councilman Valentine and was unanimously adopted:

RESOLVED, the Town Board hereby sets April 24, 2018 at 8:15 p.m. for a public hearing on proposed amendment to zone from R-40 to R-15 for Real Property designated as 70 Hickory Hill Road, Tappan, New York (Section 77.09; Block 1; Lot 25)

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

RESOLUTION NO. 184

**APPROVE GIRL SCOUT SILVER AWARD PROJECT / MINI-LIBRARY AT VETERANS MEMORIAL PARK
ALEXA WARREN, GIRL SCOUT TROOP #40493**

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

RESOLVED, that the Town Board hereby approves the Town's acceptance of a donation and installation of a "mini-library" at Veterans Memorial Park by Alexa Warren, Girl Scout Troop #40493, ("Girl Scout Silver Award Project.")

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

RESOLUTION NO. 185

APPROVE EAGLE SCOUT PROJECT IMPROVEMENTS TO VETERANS MEMORIAL / SPARKILL MEMORIAL PARK / CHRISTOPHER PAGLIAROLI.

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

RESOLVED, that the Town Board hereby approves "Eagle Scout Project," improvements to the Veterans Memorial at Sparkill Memorial Park by Christopher Pagliaroli.

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

RESOLUTION NO. 186

**AMEND RESOLUTION NO. 606 (2017)
AIR MONITORING PROPOSAL / TRC
SOLUTIONS**

Under new business, Councilman Diviny offered the following resolution, which was seconded by Councilman Bottari and was unanimously adopted:

RESOLVED, that the Town Board hereby accepts and approves the Aluf Odor Study Proposal (“contract”), as submitted by TRC Solutions, to include the identification of odor sources;, odor sampling and analysis;, and odor modeling, for a cost not to exceed \$36,125; and

BE IT FURTHER RESOLVED, that the full cost of the contract will be charged to API Industries, Inc. d/b/a Aluf Plastics, per pursuant, but not necessarily limited, to the Specific Conditions set forth in the Orangetown Zoning Board of Appeals’ ZBA Decision ZBA #17-31, dated 05/11/2017, and §10.334(c) of the Zoning Code (Chapter 43) of the Town Code.

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

RESOLUTION NO. 187

**AMEND RESOLUTION 630 OF 2017,
AWARDING BID / THE WASHING
BOARD LAUNDROMAT / WAIVE
PERFORMANCE SECURITY**

Under new business, Councilman Diviny offered the following resolution, which was seconded by Councilman Bottari and was unanimously adopted:

WHEREAS, by Notice to Bidders, dated November 1, 2017, competitive bids were solicited for a two-year contract for laundry, dry cleaning and minor repair services for police uniforms; and

WHEREAS, bids for the said contract were publically opened on November 27, 2017, at which time “The Washing Board Laundromat”, the sole bidder, was presumptively determined to be the lowest responsible bidder; and

WHEREAS, by resolution 630 of 2017, the Town Board confirmed that The Washing Board Laundromat, was the lowest responsible bidder and awarded the contract accordingly; and

WHEREAS, the bid solicitation required that, at the time the contract is executed, the prevailing bidder deliver performance security in the amount of \$1,000; and

WHEREAS, in past years (including, by way of example, Resolution 38 of 2012), the Board has agreed to waive the requirement that The Washing Board Laundromat provide performance security based on its many years of timely and competent performance; and

WHEREAS, by letter dated March 12, 2018, the Washing Board again has requested that the Town waive the \$1,000.00 performance guarantee required as a condition of the award; and

WHEREAS, for more than 10 years “The Washing Board Laundromat” has faithfully performed the dry cleaning, laundry and minor repair services required for police uniforms pursuant to multiple contracts duly awarded, without claim or incident,

NOW, THEREFORE, BE IT RESOLVED, that Resolution 630 of 2017, awarding the contract for washing, dry cleaning and minor repair services for police uniforms to The Washing Board Laundromat, of Pearl River, the only bidder, is hereby amended to waive the contract requirement that the vendor shall post with the Town a \$1,000.00 performance guarantee.

Ayes: Councilpersons Diviny, Bottari, Troy, Diviny
Supervisor Day
Noes: None

RESOLUTION NO. 188

**APPOINT / BLAUVELT FIRE DEPT
BRANDON VINCENT CALIENDO**

Under new business, Councilman Diviny offered the following resolution, which was seconded by Councilman Valentine and was unanimously adopted:

RESOLVED, upon the recommendation of the Blauvelt Fire Dept., BRANDON VINCENT CALIENDO is hereby appointed to the position of Firefighter, with the Blauvelt Volunteer Fire Company.

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

RESOLUTION NO. 189

**AMEND RESOLUTION NO. 136/2018
APPOINT ROGER PELLEGRINI
BOARD OF ASSESSMENT REVIEW**

Under new business, Councilman Troy offered the following resolution, which was seconded by Councilman Bottari and was unanimously adopted:

RESOLVED, that ROGER PELLEGRINI is hereby appointed a Member to the *Board of Assessment Review*, for a (five) 5-Year term, commencing on January 1, 2018 and expiring on December 31, 2022.

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

RESOLUTION NO. 190

**APPOINT / ROBERT MAGRINO
TOWN ATTORNEY**

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

RESOLVED, that upon the recommendation of the Town Board, that ROBERT MAGRINO is hereby appointed Town Attorney for a two year term, effective March 16, 2018, with a salary of \$135,000.

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

RESOLUTION NO. 191

**APPOINT / BARBARA GIONTA
DEPUTY TOWN ATTORNEY**

Under new business, Councilman Valentine offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

RESOLVED, that upon the recommendation of the Town Board, that BARBARA GIONTA is hereby appointed Deputy Town Attorney for a two year term, effective March 19, 2018, with a salary of \$55,000.

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

RESOLUTION NO. 192

**APPROVE HELICOPTER LANDING
NIKE PARK / FILM PERMIT
LICENSE AGREEMENT WITH ABC**

Under new business, Councilman Diviny offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

WHEREAS, the Town has issued a film permit to, and otherwise has entered into a short-term revocable license with, ABC Studios New York LLC (“ABC”), allowing filming, and preparation for filming, on Town owned lands at Nike Park (the “Site”); and

WHEREAS, in connection with such permit and license, ABC has requested permission to land a helicopter at the Site on one day, between March 28 and March 30, between the hours of 6 a.m. and 8 p.m.; and

WHEREAS, the helicopter and crew have determined that the aircraft can safely arrive at, and depart from, the Site, in compliance with all federal, state and local regulations, and without interference to Town or County operations thereat; and

WHEREAS, the aircraft company, Hover Views Unlimited, Inc., and Al Cerullo, will provide the Town with liability insurance coverage at a heightened level, to wit, TWENTY FIVE MILLION DOLLARS (\$25,000,000.00), naming the Town as an additional insured thereon,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes ABC and Hover Views Unlimited, Inc. and Al Cerullo to operate a helicopter at and above Town owned lands at Nike Park, in connection with the previously issued film permit, on no more than two dates in and between March 28 and March 30, 2018, between the hours of 6 a.m. and 8 p.m., or on any other date or dates as may be made necessary by inclement weather or other circumstances, subject to:

1. Evidence of general liability insurance covering as named insured, Hover Views Unlimited, Inc. and Al Cerullo, in an amount no less than \$25,000,000.00 and naming the Town of Orangetown, its officers and employees as additional insured thereon; and
2. Compliance with all federal, state and local regulations; and
3. Notification to the residents around Nike Park

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

RESOLUTION NO. 193

PAY VOUCHERS

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

RESOLVED, upon the recommendation of the Finance Director, Jeff Bencik, the Finance Office is hereby authorized to pay vouchers for seven (7) warrants for a total of \$15,700,194.49

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

RESOLUTION NO. 194

**ENTER EXECUTIVE SESSION
PERSONNEL MATTERS**

In attendance, at this Executive Session, were Supervisor Day, Councilpersons Troy, Diviny, Valentine and Bottari, and Mike Lawler.

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

RESOLUTION NO. 194 - Continued

RESOLVED, at 9:47 p.m. the Town Board entered Executive Session to discuss particular Personnel matters. Supervisor Day said no further votes will be taken.

Ayes: Councilperson Diviny, Supervisor Day
Councilpersons Troy, Valentine, Bottari
Noes: None

RESOLUTION NO. 195

ADJOURNED/MEMORY

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

RESOLVED, at 10:13 p.m., the Town Board adjourned in memory of Kevin Pettus, Pearl River; and John Taylor, Pearl River.

Ayes: Councilperson Valentine, Supervisor Day
Councilpersons Troy, Valentine, Bottari
Noes: None

Charlotte Madigan, Town Clerk