

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING  
TUESDAY, NOVEMBER 27, 2018**

This Regular Town Board Meeting was opened at 7:30 p.m. Supervisor Day presided and Rosanna Sfraga, Town 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  
                              Greg Garvey, Coordinator of Economic Development & Tourism  
                              Rosanna Sfraga, Town Clerk  
                              Joseph Thomassen, Deputy Clerk  
                              Robert Magrino, Deputy Town Attorney  
                              Teresa Kenny, Deputy Town Attorney  
                              Jeff Bencik, Finance Director  
                              James Dean, Superintendent of Highways  
                              Jane Slavin, Director of OBZPAE  
                              Eamon Reilly, Commissioner of DEMA  
                              Aric Gorton, Superintendent of Parks, Recreation & Building Maint  
                              Donna Morrison, Human Resource Coordinator  
                              Anthony Bevelacqua, Director of Automated Systems

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

The Town Board presented Certificates of Recognition to Pearl River Girl Scout Troop #40199: Meghan Kelley, Naimh Galligan, Laurie Edwards; Pearl River Girl Scout Troop #40493: Molly McGarity, Lily McArdle, Emily Fastoff, Sheila Fastoff, Alexa Warren, Jennifer Lin and Tappan Girl Scout Troop #40472: Katrina Christopher, Amy Kugelman, Zahra Schenk, for achieving their Silver Award.

Supervisor Day announced the Pearl River Transit-Oriented Development Study results are posted on the Town's website.

Summary of Public Comments (RTBM):

Esta Baitler, Sparkill, works for the Salvation Army and she requested everyone to make a donation.

Jennifer Rankin, Pearl River, asked that the parking meters in front of her office be increased to one-hour.

Susan & Phil Finke, Orangeburg, spoke about the overpopulation of cats and illegal parking in their neighborhood.

Allyson Sullivan, Blauvelt, said there are problems with the website; unable to report odors and odor reports are not showing up. What are the next steps the Town can take to solve Aluf's odor problems?

Eileen Larkin, Palisades, complained that Cablevision rates are extremely high. She asked the Town Board to go to bat for the residents of Orangetown.

Jennifer Mooney, Orangeburg, also spoke about the overpopulation of cats.

**RESOLUTION NO. 694**

**CLOSE PUBLIC COMMENTS**

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

RESOLVED, that the public comments portion is hereby closed.

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

Noes:     None

**RESOLUTION NO. 695**

**OMM IMPROVEMENTS / SOCCER  
COMPLEX / TURF FIELDS / USE  
AGREEMENT**

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

**WHEREAS**, the Town Board and OMM have been operating under a Use Agreement whereby the Town has granted OMM permission to use the Town owned property located between Veterans Memorial Parkway and Old Orangeburg Road in furtherance of OMM providing sports programs for the community, and

**WHEREAS**, the Article V of the Use Agreement, last amended and updated on or about February 9, 2016, provides that any permanent improvements installed on the Town property by OMM and accepted by the Town would be considered a "gift" to the Town,

**NOW THEREFORE, BE IT RESOLVED**, that pursuant to Article V of the Use Agreement with OMM, the Town Board hereby accepts as a gift, land improvements at the Town owned property described therein consisting of Artificial Turf on Fields #2 and #3 improvements installed by OMM, which cost to OMM was in the amount of \$880,171.76.

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

Noes: None

**RESOLUTION NO. 696**

**RESIGNATION / JOSEPH JUKIC  
ORANGETOWN HOUSING  
AUTHORITY**

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

**RESOLVED**, accept with regret, the resignation of Joseph Jukic, Secretary and Member of the Orangetown Housing Authority, effective November 2, 2018.

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

Noes: None

**RESOLUTION NO. 697**

**APPOINT / SEAN WALSH  
ORANGETOWN HOUSING  
AUTHORITY**

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

**RESOLVED**, Sean Walsh, is hereby appointed Member, of the Orangetown Housing Authority, to fill the unexpired term of Joseph Jukic, effective November 28, 2018 through December 31, 2020.

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

Noes: None

**RESOLUTION NO. 698**

**APPROVE / CHARGING NOMINAL  
FEES / USE OF ANY PORTION OF  
TOWN HALL**

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

**RESOLUTION NO. 698 - Continued**

**RESOLVED**, that a fee of \$50.00 will be charged to use any portion of Town Hall for any event up to a 30 minutes in length, and \$25.00 for each additional 30 minute period, which is to be collected in advance, by the Town Clerk, at the time of the original booking. There will be no fee for governmental, civic, and non-profit organizations.

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

**RESOLUTION NO. 699**

**AGREEMENT / GOLDKAP  
CONSULTING GROUP LLC  
GENERATE SAVINGS / AUDIT**

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

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute an Agreement, on behalf of the Town, subject to review and approval of the Town Attorney’s Office, with Goldkap Consulting Group, LLC, providing professional services including but not limited to: Explore ways that Town inventory can be better managed; Prepare a fixed asset report to better track equipment going in and out of Town departments; Work with Town department heads to explore ways where using new vendors will make departments more efficient and less dependent on labor; Work with Town IT department to discuss how payroll processing and other technology platforms can be integrated into a planned future approach to build less labor-intensive solutions; Assist Town department heads in negotiating with vendors as it pertains to getting the best value for services and not overpaying for change orders on present contracts; Verify the way present procurement processes are being used; and set-up on line vendor ordering with approval processes in place, within the framework and the constraints of the Town Procurement Policy, the monetary thresholds of the Competitive Bidding requirements, or exceptions thereto, Best Value Purchasing, Piggybacking on certain government contracts, the Town Code and Ethics Code, the NYS Town Law and the NYS General Municipal Law, at a cost not to exceed FIVE THOUSAND TWO HUNDRED FIFTY AND 00/100 (\$5,250.00) DOLLARS.

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

**RESOLUTION NO. 700**

**MEMORIALIZING RESOLUTION  
STATEMENT IN SUPPORT / ENDING  
RECRUITMENT OF NEW YOUTH  
SMOKERS**

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

**WHEREAS**, tobacco companies have developed carefully calculated campaigns to recruit new youth smokers;

**WHEREAS**, internal documents show that tobacco companies have perceived children as a key market and developed products and marketing campaigns aimed directly at them;

**WHEREAS**, not only does Big Tobacco sell sickness but also puts it on sale;

**WHEREAS**, the density of tobacco retailers translates to increased tobacco use;

**WHEREAS**, there are more tobacco retailers then there are Starbucks;

**WHEREAS**, tobacco retailers located near schools increases the probability of youth smokers;

**RESOLUTION NO. 700 - Continued**

**WHEREAS**, local tobacco licensing insures adhering to building codes creating safer buildings;

**WHEREAS**, only a comprehensive tobacco policy will protect our youth from becoming smokers and help smokers quit;

**THEREFORE, BE IT RESOLVED**, that the Town of Orangetown hereby partners with POW'R Against Tobacco in requesting that New York State protect our children by prohibiting discounting tobacco products, restricting the density of tobacco retailers in proximity to schools, and requiring local tobacco licenses; and

**BE IT FURTHER RESOLVED**, the Town is hereby authorized and directed to send a certified copy of this resolution to Governor Andrew M. Cuomo, the NYS Department of Health, NYS Bureau of Tobacco Control, Denise Hogan, POW'R Against Tobacco, NYS Assemblywoman Ellen C. Jaffee, NYS Senator David Carlucci and to such other persons proper in order to effectuate the purpose of this resolution.

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

**RESOLUTION NO. 701**

**PERFORMANCE BOND / ACCEPT  
RECEIVE / FILE / UNITED STATES  
INFORMATION SYSTEMS INC (USIS)  
25 RAMLAND RD, ORANGEBURG  
(73.20-1-26)**

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

**WHEREAS**, United States Information Systems, Inc. as developer of certain property located at 25 Ramland Road, Orangeburg, New York (Tax Lot 73.20 Block 1 Lot 26) applied for and received site plan approval from the Town of Orangetown Planning for said property pursuant to Planning Board decision #17-51, and

**WHEREAS**, pursuant to the aforesaid approvals, the Planning Board required that the applicant post a Performance Bond in the amount of \$63,930.00 to ensure the construction and completion of certain public improvements pursuant to the aforesaid approvals, and

**WHEREAS**, the applicant has submitted a fully executed Performance Bond dated September 28, 2018, issued by Travelers Casualty and Surety Company of America as Surety, on behalf of United States Information Systems, Inc., as principal, in the amount of \$63,930.00 naming the Town of Orangetown as beneficiary, to insure the completion of public improvements associated with the United States Information Systems, Inc. Site Plan, which Performance Bond has been approved as to form and substance by the Town Attorney's Office,

**NOW THEREFORE BE IT RESOLVED THAT**, the Town hereby formally accepts, receives and files with the Office of the Town Clerk a Performance Bond dated September 28, 2018 issued by Travelers Casualty and Surety Company of America as Surety, on behalf of United States Information Systems, Inc., as principal, in the amount of \$63,930.00 naming the Town of Orangetown as beneficiary, to insure the completion of public improvements associated with the United States Information Systems Site Plan no later than September 26, 2020 and said bond to be returned only upon satisfactory completion of said public improvements according to the terms of said Bond and Planning Board decision No. 17-51, any Town departments having jurisdiction thereof, and formal resolution of the Town Board.

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

**RESOLUTION NO. 702**

**ACCEPT / RECEIVE / FILE  
DOCUMENTS / TOWN CLERK’S  
OFFICE**

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

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

1. Town Board minutes:10/16/18 Police Commission; 10/16/18 Workshop; and 10/23/18 Regular Town Board meeting.
2. Agreement:Montefiore Nyack Hospital, Employee Assistance Program.
3. Agreement:Pearl River Chamber of Commerce, Pearl River Day – Hold Harmless and Alcoholic Beverage Permit.
4. Agreement:H2M Architects + Engineers, for Professional Engineering Services, STP Ammonia Upgrade – Alternatives Analysis 5. First Amendment to Lease Agreement, Verizon.
6. Orangeburg Library, Financial Statements, 2016 & 2017.

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

**RESOLUTION NO. 703**

**HOLD HARMLESS AND  
INDEMNIFICATION AGREEMENT  
DANIEL & KELLI LARKIN / 66  
ABLONDI ROAD, PEARL RIVER  
(66.05-4-56)**

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

**WHEREAS**, Daniel Larkin and Kelli A. Larkin, the property owners of property located at 66 Ablondi Road, Pearl River, New York, have applied to the Town Highway Department for permission to place 2 brick and mortar structures on their property and upon review, a portion of which structures encroach on to an existing Town right of way, and

**WHEREAS**, the matter has been reviewed by the Town Highway Department and the Highway Department has required that the brick and mortar structures may remain at its current location provided the owners of the property provide to the Town and indemnification and hold harmless agreement,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town hereby grants to 66 Ablondi Road, Pearl River, New York, S/B/L 66.05-4-56, a revocable license, in the form of a License, Hold Harmless and Indemnification Agreement, which provides in sum and substance the brick and mortar structures currently existing in the Town’s right-of-way may remain and the owners of the property, Daniel Larkin and Kelli Larkin, must defend, indemnify and hold harmless the Town for any damage related thereto and caused thereby, and that said structures wall must be removed upon notice as set forth therein, otherwise to be removed by the Town at the expense of the property owner and,

**BE IT FURTHER RESOLVED**, that the Supervisor or his designee is hereby authorized to execute the License, Hold Harmless and Indemnification Agreement and any and all other documents necessary in order for same to be recorded in the Rockland County Clerk’s Office, at the expense of the owner.

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

**RESOLUTION NO. 704**

**WALGREENS SITE PLAN, TAPPAN  
RIGHT-OF-WAY DEDICATION AND  
DEED OF EASEMENT / ACCEPT  
RECEIVE / FILE**

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

**RESOLVED**, that upon recommendation of the Town Attorney’s Office, the Department of Environmental Management and Engineering, and the Highway Department, the right-of-way dedication and deed of easement from Landmark Tappan, LLC for the Walgreens Site Plan project, Planning Board Decision No. 14-24, is hereby accepted and received; and

**BE IT FURTHER RESOLVED**, that the Supervisor or his designee is hereby authorized to execute all documents necessary to effectuate the acceptance and filing of the respective dedication and deed with the Rockland County Clerk; and

**BE IT FURTHER RESOLVED**, that upon filing with the Rockland County Clerk’s office, the original documents will be filed and maintained in the Town Clerk’s office.

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

**RESOLUTION NO. 705**

**PERFORMANCE BOND RELEASE  
WALGREENS SITE PLAN, TAPPAN**

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

**RESOLVED**, that upon the recommendation of the Town Attorney’s office and the Town of Orangetown Planning Board, authorize the release of the Performance Bond for the Walgreens' Site Plan Project to Landmark Tappan, LLC in the amount of \$176,622.00.

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

**RESOLUTION NO. 706**

**MEMORANDUM OF  
UNDERSTANDING (MOU) / 2018 -  
ROCKLAND COUNTY SHARED  
SERVICES / ASSIGNMENT OF  
ORANGETOWN POLICE DETECTIVE  
TO THE ROCKLAND COUNTY  
REGIONAL INVESTIGATIVE  
RESOURCE CENTER (RIRC)**

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

**RESOLVED**, upon the recommendation of the Orangetown Chief of Police, authorize the Town Supervisor to enter into a Memorandum of Understanding (MOU) with the County of Rockland for shared services, which shall include the assignment of an Orangetown Police Detective to the Regional Investigative Resource Center for the term of January 1, 2018 through December 31, 2018, including a share for the Town of Orangetown in asset forfeiture as set forth in the MOU.

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

**RESOLUTION NO. 707**

**PILOT AGREEMENT / TZ VISTA, LLC  
NYACK / 69 LYDECKER ST. (66.38-2-  
25) / 2019-2033 TAX ASSESSMENT  
ROLLS**

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

**RESOLVED**, that upon the recommendation of the Town Attorney, the Supervisor is hereby authorized to execute a Payment in Lieu of Taxes Agreement (“PILOT”), between and among the Town of Orangetown, TZ Vista, LLC, the Village of Nyack, the Nyack Union Free School District and the County of Rockland Industrial Development Agency, relating to real property known as 69 Lydecker St., Nyack , NY (Tax Map designation 66.38-2-25), commencing with the 2019 tax assessment roll through and including the 2033 tax assessment roll.

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

**RESOLUTION NO. 708**

**TAX CERTIORARI SETTLEMENT /  
CATHERINE COMMONS LLC / 39-45  
W. CATHERINE ST, NYACK (65.36-2-  
17.1, 65.36-2-17.2 AND 65.36-2-17.3)**

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

**RESOLVED**, upon the recommendation of the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign settlement documents regarding the tax certiorari proceeding Catherine Commons LLC v. Orangetown, Town of, et al., Tax Map designation 65.36-2-17.1, 65.36-2-17.2, and 65.36-2-17.3 (39-45 W. Catherine Street, Nyack) for the tax assessment years 2011 through 2018, for a total refund by the County of \$10,316, a total refund by the Town of \$22,563 and a total refund by the School District of \$115,074. Interest on the Town’s liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Rockland County Finance Department.

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

**RESOLUTION NO. 709**

**PURCHASE / (1) ONE NASAL  
RANGER FIELD OLFACTOMETER  
EQUIPMENT PACKAGE & TRAINING  
ANIMAL CONTROL OFFICER / ST.  
CROIX SENSORY, INC.**

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

**RESOLVED**, upon the recommendation of the Director of Office of Building, Zoning, Planning, Administration and Enforcement, the Town Board hereby approves the purchase of one (1) Nasal Ranger Field Olfactometer Equipment packages, to also include training for the animal control officer from St. Croix Sensory, Inc., at a cost of \$2,750.00.

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

**RESOLUTION NO. 710**

**SURPLUS OF EQUIPMENT  
HIGHWAY DEPARTMENT**

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

**RESOLVED**, that upon the recommendation of the Superintendent of Highways, approve for surplus the following equipment:

2006	Komatsu FG25T-14 forklift	591564A
2009	Morbark M18R wood chipper	4S8SZ19139W051531
2004	Tarco Windy-400 leaf machine	LW1914A8597L02
2004	Tarco Windy-400 leaf machine	LW1914A8598L02
2007	Trackless MT5TD multi-purpose	3528
2004	Freightliner FC-80/ Tymco 600	1FVAB6BV64DN04453
2008	Ford F550 Mason truck	1FDAF57R18EE10806

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

**RESOLUTION NO. 711**

**AID / 2018 ORANGEBURG  
VOLUNTEER FIRE DEPT HOLIDAY  
PARADE**

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

**RESOLVED**, upon the completion of all necessary paperwork, the Superintendent of Parks & Recreation has forwarded for approval by the Town Board use of the Showmobile at a rental cost of \$400.00 by the Orangeburg Volunteer Fire Department for their Holiday Parade, Saturday, December 8, 2018, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

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

**RESOLUTION NO. 712**

**ADOPT / POLICE REGULATION-6  
MONTH / NEW "STOP" SIGN /  
WASHINGTON STREET AND  
SPARKILL AVENUE, SPARKILL**

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

**RESOLVED**, upon the recommendation of the Traffic Advisory Board, that the following six month Police Regulation be approved:

STOP SIGN, be added at Sparkill Avenue, where it meets Washington Street in Sparkill, NY;  
and

**BE IT FURTHER RESOLVED**, that the Orangetown Highway Department is authorized to make this change.

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



**RESOLUTION NO. 713**

**AMEND RESOLUTION NO. 453 of 2017  
AGREEMENT / ORANGE AND  
ROCKLAND UTILITIES, INC. (ORU)  
VEGETATION MANAGEMENT PLAN  
ALONG J.B. CLARKE RAIL TRAIL**

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

**WHEREAS**, pursuant to Town Board Resolution 2017-453 the Town of Orangetown authorized an agreement with Orange and Rockland Utilities, Inc. (ORU) for a vegetation management plan along the DeLongis Court section of the J.B.Clarke Rail Trail; and

**WHEREAS**, as part of the agreement, ORU agreed to contribute the sum of \$50,000.00 to the Town to offset the cost to the Town of the installation of a fence as part of efforts to restore a buffer between the trail and residential homes in the area; and

**WHEREAS**, the parties desire to amend the agreement by adding in a proposed section 8, in which the Town agrees to indemnify and hold harmless ORU from any claims for damage caused by ORU to the fence that has been installed and owned by the Town as part of the aforesaid buffer;

**NOW THEREFORE, BE IT RESOLVED**, that upon the recommendation of the Town Attorney and Superintendent of Parks and Recreation, the Town of Orangetown hereby agrees to amend the Agreement referenced in Resolution 2017-453 by providing that the Town shall indemnify and hold harmless ORU for any loss of damage caused by ORU to the Town’s fence as located within the Vegetation Area, as defined in the Agreement, and the Supervisor or his designee is authorized to execute any documents necessary to effectuate this resolution.

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

**RESOLUTION NO. 714**

**AID / SOUTH ORANGETOWN DAY  
COMMITTEE / 2018 HOLIDAY WALK  
AND TREE LIGHTING**

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

**RESOLVED**, upon completion of all necessary paperwork the Superintendent of Parks and Recreation has forwarded for approval by the Town Board, the rental of 2 port-o-john units as per request (1 regular unit & 1 ADA compliant) for the South Orangetown Holiday Walk and Tree Lighting on Saturday, December 1, 2018.

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

**RESOLUTION NO. 715**

**AWARD BID / GENERAL CONTRACT  
TOTAL RESIDUAL CHLORINE  
REDUCTION / JETT INDUSTRIES,  
INC.**

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

**WHEREAS**, the Commissioner of DEME duly advertised for sealed bids for the Wastewater Treatment Plant Total Residual Chlorine Reduction ITB-DEME-53G-2018, which were received and publicly opened on November 15, 2018; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 11-G-18, and made a part of these minutes.

**RESOLUTION NO. 715 - Continued**

**WHEREAS**, Jett Industries, Inc. is the lowest qualified bidder in the amount of \$416,900.00; and

**WHEREAS**, Funding is available thru bonding and an anticipated NYS Environmental Facilities Corporation Grant for funding to underwrite approximately 25% of the total project cost as detailed in RTBM Resolution No. 165 on March 13, 2018.

**THEREFORE, BE IT RESOLVED**, that upon recommendation of the Commissioner of DEME, the bid of November 15, 2018 for the Wastewater Treatment Plant Total Residual Chlorine Reduction ITB-DEME-53G-2018, is hereby awarded to Jett Industries, Inc., the lowest qualified bidder, in the amount of \$416,900.00.

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

Noes: None

**RESOLUTION NO. 716**

**AWARD BID / ELECTRICAL  
CONTRACT / TOTAL RESIDUAL  
CHLORINE REDUCTION  
FANSHAWE INC.**

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

**WHEREAS**, the Commissioner of DEME duly advertised for sealed bids for the Wastewater Treatment Plant Total Residual Chlorine Reduction ITB-DEME-53E-2018, which were received and publicly opened on November 15, 2018; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 11-G-18, and made a part of these minutes.

**WHEREAS**, Fanshawe Inc. dba Rockland Electric is the lowest qualified bidder in the amount of \$84,000.00; and

**WHEREAS**, Funding is available thru bonding and an anticipated NYS Environmental Facilities Corporation Grant for funding to underwrite approximately 25% of the total project cost as detailed in RTBM Resolution No.165 on March 13, 2018.

**THEREFORE, BE IT RESOLVED**, that upon recommendation of the Commissioner of DEME, the bid of November 15, 2018 for the Wastewater Treatment Plant Total Residual Chlorine Reduction ITB-DEME-53E-2018, is hereby awarded to Fanshawe, Inc., the lowest qualified bidder, in the amount of \$84,000.00.

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

Noes: None

**RESOLUTION NO. 717**

**RESIGNATION / DEME / MATTHEW  
KANE / MAINTENANCE  
ELECTRICIAN**

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

**RESOLVED**, the Town Board hereby accepts, with regret, the resignation of Matthew Kane, Maintenance Electrician (Sewers), effective November 23, 2018.

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

Noes: None

**RESOLUTION NO. 718**

**AID / 2018 SOUTH ORANGETOWN  
HOLIDAY WALK & TREE LIGHTING  
CEREMONY**

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

**RESOLVED**, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes light towers, barricades & cones from the Highway Department and auxiliary police from the Police Department for the holiday walk & tree lighting ceremony, in Tappan, on Saturday, December 1, 2018, from 3 pm – 7 pm (raindate: 12.2.18)

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

**RESOLUTION NO. 719**

**AID / 2018 HOLIDAY PARADE  
VILLAGE OF SUFFERN**

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

**RESOLVED**, upon the recommendation of the Superintendent of Highways, the Town Board hereby authorizes the Highway Department to lend assistance which includes the use of 2,000’ of barrels & barricades to Mayor Markunas from the Village of Suffern for their holiday parade on Saturday, December 1, 2018, 6 pm – 8 pm.

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

**RESOLUTION NO. 720**

**PAY VOUCHERS**

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

**RESOLVED**, upon the recommendation of the Finance Director, the Finance Office is hereby authorized to pay vouchers for five (5) warrants for a total amount of \$2,442,240.19.

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

**RESOLUTION NO. 721**

**OPEN PH / PROPOSED LOCAL LAW  
AMENDING CHAPTER 22, NOISE**

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

**RESOLVED**, that the 8:15 pm public hearing on proposed local law amending Chapter 22, Noise is hereby opened.

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

Rosanna Sfraga, Town Clerk presented the Affidavit of Publication, the Notice of Posting and (if any) Comments from outside agencies (Exhibit 11-H-18).

Summary of Public Comments:  
There were no comments from the public.

**RESOLUTION NO. 722**

**CLOSE PH / PROPOSED LOCAL LAW  
AMENDING CHAPTER 22, NOISE**

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

**RESOLVED**, that the public hearing on proposed local law regarding changes to Chapter 22 of the Town Code entitled "Noise" is hereby closed.

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

**RESOLUTION NO. 723**

**DESIGNATE LEAD AGENCY  
DETERMINATION UNDER SEQRA  
AMENDING CHAPTER 22, NOISE**

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

**RESOLVED**, that the Town Board hereby declares itself to be Lead Agency for environmental review with respect to amending Chapter 22 of the Town Code, entitled “Noise”; and further determines that such action is a Type II action pursuant to SEQRA, that the action will not have a significant adverse environmental impact, and, therefore, no further action is necessary with respect thereto under the State Environmental Quality Review Act.

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

**RESOLUTION NO. 724**

**ADOPT LOCAL LAW NO. 16 OF 2018,  
AMENDING CHAPTER 22, "NOISE"**

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

**WHEREAS**, the Town Board has reviewed the current Town Code with respect to its noise regulations and determined that amendments to the Code are necessary to ensure understandable standards and guidelines for the benefit of the public and enforcement of said Code, including standards that have been determined to meet constitutional requirements, and

**WHEREAS**, the Town Board, after consultation with relevant departments, including OBZPAE, Police, and Town Attorney, has developed proposed amendments to the Code that are consistent with standards that have been found to be constitutional and which the Town Board finds would be in the best interests of the public so as to have an understandable and enforceable set of standards with respect to unnecessary noise, and

**WHEREAS**, a public hearing being had thereon,

**NOW THEREFORE BE IT RESOLVED**, the Town Board hereby adopts proposed Local Law No. 16 of 2018, amending Chapter 22 entitled “Noise” of the Town Code, to provide for update and clarifications with respect to unnecessary noise, as that term is defined in the Town of Orangetown.

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

**LOCAL LAW NO.16 OF 2018  
OF THE INCORPORATED TOWN OF ORANGETOWN, NEW YORK  
CHAPTER 22 OF THE TOWN CODE ENTITLED “NOISE”**

**LOCAL LAW 16, 2018 – CONTINUED**

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

As amended, Chapter 22-Noise, originally adopted by the Town Board on 08/17/1981 by LL No. 10-1981, is hereby amended as follows:

Section 1.

§ 22-2 Unnecessary noise prohibited.

It shall be unlawful for any person to make, continue or cause or permit to be made or continued any unnecessary noise within the limits of the Town.

“Unnecessary noise” means any excessive or unusually loud sound or any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities, or which causes injury to animal life or damage to property or business.

§ 22-3 General Prohibition.

The following acts are declared to be prima facie evidence of a violation of this chapter, and are prohibited, but said enumeration shall not be deemed to be exclusive.

- A. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the Town of Orangetown, except as a danger warning.
- B. The playing, using, operating or permitting to be played, used or operated of any television set, musical instrument, band, music or audio playback device or other machine or device for the producing or reproducing of sound, loudspeaker, sound amplifier, in such manner as to disturb the peace, quiet, tranquility and comfort of the neighboring inhabitants or the public at large, as follows:
  - i. Between the hours of 7:00 a.m. and 11:00 p.m., that has a volume of 80 decibels or greater at the point of alleged disturbance if at a distance of less than 50 feet, or 70 decibels or greater at the point of alleged disturbance if at a distance of 50 feet or more, from the property line of the property of the noise source, or from the place, device, or vehicle if on the public streets, in which it is located;
  - ii. Between the hours of 11:00 p.m. and 7:00 a.m., that has a volume of 60 decibels or greater at the point of alleged disturbance if at a distance of less than 50 feet, or 40 decibels or greater at the point of alleged disturbance if at a distance of 50 feet or more, from the property line of the property of the noise source, or from the place, device, or vehicle if on the public streets, in which it is located.
- C. The keeping of any dog or animal which:
  - i. Engages in frequent or long continued barking, howling or other noise at 60 decibels or greater at or beyond the property line of the property of the noise source, or from the place, device, or vehicle if on the public streets, such that said noise is:
  - ii. Between the hours of 10:00 p.m. and 8:00 a.m. of a duration longer than 10 consecutive minutes, and disturbs the comfort or repose of any persons in the vicinity; or
  - iii. Between the hours of 8:00 a.m. and 10:00 p.m. of a duration of more than one hour, and disturbs the comfort or repose of any persons in the vicinity.
- D. Noise at or above the level of 60 decibels at the point of alleged disturbance on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which noise unreasonably interferes with the workings of such institution, or which noise disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.
- E. Any other noise at a level at or above 80 decibels at the point of alleged disturbance between the hours of 7:00 a.m. and 11:00 p.m., which point must be at or beyond the property line of the property of the noise source if the source is located on private property.

## LOCAL LAW 16, 2018 – CONTINUED

- F. Any other noise at a level at or above 50 decibels at the point of alleged disturbance between the hours of 11:00 p.m. and 8:00 a.m., which point must be at or beyond the property line of the property of the noise source if the source is located on private property.
- G. Any sound caused by the operation of any lawn mower, leaf blower, chain saw, hedge clipper, mulching or chipping machine or such similar landscaping equipment prior to 7:00 a.m. and after 8:00 p.m. on Monday through Friday; prior to 8:00 a.m. and after 7:00 p.m. on Saturday; and prior to 9:00 a.m. and after 7:00 p.m. on a Sunday or legal holiday.
- H. Any sound of any bulldozer, backhoe or other excavation or earthmoving equipment prior to 7:00 a.m. and after 8:00 p.m. on Monday through Friday; prior to 8:00 a.m. and after 7:00 p.m. on Saturday, and prior to 9:00 a.m. and after 7:00 p.m. on a Sunday or legal holiday.
- I. The sound of any power tool, machinery or equipment in use in any construction project or the repair of any building or in any commercial activity or manufacturing process not wholly contained within a closed structure:
  - 1. in any zone other than a residential zone, prior to 7:00 a.m. or after 8:00 p.m.;
  - 2. in any residential zone, prior to 7:00 a.m. and after 8:00 p.m. on Monday through Friday, prior to 8:00 a.m. and after 7:00 p.m. on Saturday, and prior to 9:00 a.m. and after 5:00 p.m. on a Sunday or legal holiday.

### 22-3A Exemptions.

The following activities shall be exempt from the provisions of this code:

1. Operation of snow blowers or other snow removal equipment at any time during or within 48 hours of the conclusion of a snowfall;
2. Work or activity that is necessary to prevent or recover from an emergency, including, but not limited to, work to repair electric, gas, water, sewer or telephone services. For purposes of this article an “emergency” shall mean a public calamity, disaster, extreme weather event, utility services failure, or such other threat to any person or property to actual or immediate danger;
3. The sound produced by any siren, alarm or other warning device operated by any ambulance service, police or fire department or any governmental agency when intended to warn the public of any danger or emergency;
4. Public meeting; parades or processions as permitted by Chapter 7A of this code;
5. The emission of sound by generators during emergencies;
6. Sounds connected with organized sporting events on public property or public or private school property, held between the hours of 8:00 a.m. and 10:00 p.m.

### § 22-4 Penalties for offenses.

Any person violating any of the provisions of this local law shall be deemed guilty of a violation and, upon conviction thereof, shall be fined in an amount not exceeding \$250 or be imprisoned for a period not exceeding 15 days or to perform up to 50 hours of community service, or by any combination of said penalties.

### § 22-5 Additional remedies.

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery or activities conducted at a property in such manner so as to constitute a violation of any provision hereof which continually, regularly or repeatedly causes such violation shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

**LOCAL LAW 16, 2018 – CONTINUED**

§ 22-5A Enforcement.

The provisions of this chapter shall be enforced by the Police Department of the Town of Orangetown, the Town of Orangetown Office of Building Planning Zoning Administration and Enforcement, or such other officials as designated by the Town Board.

Section 2. 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 3. Effective Date.

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

**RESOLUTION NO. 725**

**ENTER EXECUTIVE SESSION  
PERSONNEL MATTERS / CONTRACTS**

In attendance, at this Executive Session, were Supervisor Day, Councilpersons Troy, Diviny, Valentine and Bottari, Robert Magrino, Jeff Bencik and Jane Slavin.

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

RESOLVED, at 8:27 pm, the Town Board entered Executive Session to discuss personnel matters and contracts. Supervisor Day said there will be no further votes.

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

**RESOLUTION NO. 726**

**RE-ENTERED RTBM/ADJOURNED**

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

RESOLVED, at 9:03 pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of Antonio Perillo, father of Town Employee, Geri Schiavone; and Kathleen Fortescue Kavasansky, Pearl River.

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

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**Rosanna Sfraga, Town Clerk**