

**TOWN OF ORANGETOWN
REGULAR TOWN BOARD MEETING
TUESDAY, MAY 2, 2017**

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

Councilman Denis Troy _____
Councilman Thomas Diviny _____
Councilman Paul Valentine _____
Councilman Jerry Bottari _____
Supervisor Andrew Stewart _____

Pledge of Allegiance to the Flag

ANNOUNCEMENTS: The Town Board will recognize the following :
Building Safety Month, May 2017
Mental Health Awareness Month, May 2017
National Police Week - May 14-20, 2017
National Public Works Week - May 21-27, 2017

PUBLIC COMMENT:

TOWN BOARD

**OPEN PH/MAY 2, 2017, at 8:10 P.M. TO
CONSIDER A LOCAL LAW, ADOPTING A
TEMPORARY MORATORIUM ON THE
CONSTRUCTION OR INSTALLATION OF NEW,
OR THE EXPANSION OF, EXISTING
TELECOMMUNICATIONS FACILITIES AND
STRUCTURES WITHIN THE INCORPORATED
TOWN**

- 1. RESOLVED**, that the 8:10 P.M. public meeting to consider a local law, adopting a temporary moratorium on the construction or installation of new, or the expansion of existing, telecommunications facilities and structures within the unincorporated Town, is hereby opened.

**AS PROPOSED, A LOCAL LAW, IMPOSING A TEMPORARY MORATORIUM BY
ORANGETOWN TOWN BOARD ON THE CONSTRUCTION, INSTALLATION OR
EXPANSION OF COMMUNICATIONS TOWERS, MONOPOLES AND ANTENNAS**

BE IT ENACTED by the Town Board of the Town of Orangetown, New York, as follows:

Section 1: The Town Board of the Town of Orangetown by the adoption of this Local Law, implements a temporary moratorium on the construction or installation of new, or the expansion of existing, telecommunications facilities and structures within the unincorporated Town. As adopted, this local law shall read as follows:

TEMPORARY MORATORIUM ON THE CONSTRUCTION OR INSTALLATION OR EXPANSION OF TELECOMMUNICATIONS FACILITIES AND STRUCTURES

§ 1. Enactment and Authorization

The Town Board of the Town of Orangetown does hereby enact the Town of Orangetown Moratorium on Communications Towers, Monopoles, Antennas and Other Communications Facilities and Structures, pursuant to the authority and provisions of Municipal Home Rule Law § 10(1)(i) and § 10(1)(ii)(a)(11), (12) and the Statute of Local Governments § 10(6), (7) of the State of New York.

§ 2. Title

This local law shall be known as the Town of Orangetown Temporary Moratorium on Communications Towers, Monopoles, Antennas and Other Telecommunications Facilities and Structures.

§ 3. Purpose

The Town Board finds that the technology associated with telecommunications facilities, including monopoles, towers, antennas, and similarly purposed structures has changed significantly since the Town's enactment of the 1997 local law, entitled "Wireless Communications Facilities", made a part of the Town Code at Chapter 43 (Zoning), Article VIII, § 8.15, and that, as a result of such technology changes, the Town Code does not adequately regulate the siting of these facilities, including but not limited to distributed antenna systems, within and throughout the Town.

Recognizing the shortcomings of the existing law, and the need to update the Town Code in order to address new, and rapidly changing, technologies, the Town Board has requested that the Town Planning Board, aided by the Town Attorney, the Town Architectural and Community Board of Review, and any outside consultant (if and as may reasonably be required) to study the issues, and to make recommendations to the Board, regarding amendments to the Town Code in the best interests of the residents of the Town. Pending the completion of such study and the delivery of such recommendations, the Town Board believes it to be in the best planning interests of the Town to maintain the status quo by suspending temporarily the construction or installation of new, or expansion of existing, facilities and structures. The purpose of this law is to effect that result.

§ 4. Imposition of Temporary Moratorium

For a period of one hundred eighty (180) days from and after the adoption of this local law, there shall be no granting of building permits, site plan approvals, variances, special permits, zone changes or other approvals for the construction, erection and/or installation of new telecommunications towers, monopoles and antennas or other telecommunications facilities or structures within the unincorporated Town of

Orangetown, except that this moratorium shall not apply to the placement of additional antennas or equipment on existing telecommunications towers.

§ 5 Existing Applications.

The moratorium implemented hereby shall not apply to otherwise covered building permits, or other approvals applications, issued before the effective date of this local law which have not been closed out by the issuance of a certificate of occupancy or certificate of compliance, or to other complete land use approval applications which have been filed and have received preliminary and/or final approval prior to the effective date hereof.

§ 6. Hardship.

A. Relief from the Town Board. Any applicant for a permit or other land use board approval required for the construction or installation adversely affected by this moratorium who or which shall suffer an unnecessary hardship by reason of the strict enforcement of this local law may apply to the Town Board, in writing, in the manner hereinafter set forth, for relief. Such relief, if granted, shall be the minimum relief necessary to mitigate such hardship. For purposes of this moratorium, the term “unnecessary hardship” shall not include the mere delay in being permitted to make application for the required permit or approval for the period of the moratorium.

B. Substantive requirements for relief. No relief shall be granted from the moratorium imposed by this local law unless the Town Board shall specifically find, by resolution duly adopted upon written application, and only after review and comment by the Rockland County Planning Department, in accordance with the provisions of General Municipal Law § 239 l & m:

- (1) That the failure to grant an exemption will cause the applicant unnecessary hardship which, on balance, is substantially greater than the harm to the general public if the exemption is granted;
- (2) That the exemption, if granted, will clearly have no adverse effects upon the Town’s goals in enacting the moratorium, including potential adverse environmental and other effects that might result if the requested permit issued or other approval is granted;
- (3) That the project or use sought to be permitted or approved is in harmony with the existing character of the community as a whole, and the immediate neighborhood in particular, and otherwise will not result in any unreasonable impact on the surrounding and nearby properties;
- (4) No exemption granted hereunder by the Town Board shall in any way be binding upon any land use board that might later be permitted or required to consider the application as a result of the exemption, it being expressly understood that the level of review undertaken by the Town Board is not intended to be of the same magnitude or detail as that required during the approval process.

C. Procedure for exemption. Upon submission of a written application to the Town Clerk for exemption from the provisions of the moratorium, the Town Board shall, within 30 days, schedule a public hearing, upon ten (10) days' notice published in the Official newspaper of the Town, the cost of which shall be paid by the applicant. Further written notice of such hearing shall be mailed to all property owners within 200 feet of the boundaries of the property on which the structure or facility is to be constructed or installed, certified, return receipt requested. At the public hearing the applicant and all interested parties shall be heard. The public hearing may be continued by the Town Board, in its sole discretion, provided, however, that a decision whether to grant relief in the nature of exemption, and on what specific terms, shall be made within 30 days of the close of the hearing.

Any relief granted by the Town Board from the provisions of the moratorium shall be the minimum relief necessary to mitigate the applicant's hardship from strict compliance with its terms.

§ 7. Severability.

If any part or provision of this local law, or the application thereof to any person or circumstance, is adjudged invalid or unconstitutional by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law, or the application thereof to other persons or circumstances. The Town Board hereby declares that it would have enacted the remainder of this local law even without any such invalid or unconstitutional part, provision or application.

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

ADJOURN/CLOSE PH/MAY 2, 2017, at 8:10 P.M. TO CONSIDER A LOCAL LAW, ADOPTING A TEMPORARY MORATORIUM ON THE CONSTRUCTION OR INSTALLATION OF NEW, OR THE EXPANSION OF, EXISTING TELECOMMUNICATIONS FACILITIES AND STRUCTURES WITHIN THE INCORPORATED TOWN

2. **RESOLVED**, that the public portion is hereby adjourned to ___/closed.

TOWN BOARD

**SEQRA FINDING/ADOPTION OF TEMPORARY
MORATORIUM ON THE CONSTRUCTION,
INSTALLATION, OR EXPANSION OF
COMMUNICATIONS TOWERS, MONOPOLES,
ANTENNAS AND OTHER STRUCTURES**

3. **WHEREAS**, the technology associated with telecommunications and telecommunications facilities, including the siting of monopoles, towers, antennas, and similarly purposed structures, has changed significantly since 1997, when the Town when the adopted its regulations relating thereto, made a part of the Town Code at Chapter 43 (Zoning), Article VIII, § 8.15 (“Wireless Communications Facilities”); and

WHEREAS, in the light of such technological advances, the Town Board believes that its regulations may not adequately address the types and siting of these facilities within and throughout the Town; and

WHEREAS, in recognition of the potential shortcomings of the existing law, and the need to update the Town Code in order to address new, and rapidly changing, technologies, the Town Board wishes to have the Town Planning Board, aided by the Town Attorney, the Town Architectural and Community Board of Review, and any outside consultant (if and as may reasonably be required) study the issues, and to make recommendations to the Board, regarding amendments to the Town Code in the best interests of the residents of the Town; and

WHEREAS, pending the completion of such study and the delivery of such recommendations, the Town Board has concluded that it is in the best planning interests of the Town to maintain the status quo by the adoption of a moratorium, suspending temporarily the construction or installation of new, or expansion of existing, facilities and structures; and

WHEREAS, the Town Board, prior to taking action on the proposed law wishes to document its consideration of same in the light of SEQRA,

NOW, THEREFORE, the Town Board finds and resolves, as follows:

1) The adoption of the proposed Local Law, enacting a moratorium, suspending temporarily the construction or installation of new, or expansion of existing, facilities and structure is a Type II action under the implementing regulations that govern review under SEQRA, and, more specifically, 6 N.Y.C.R.R. § 617(c)(30). As such, the proposed Local Law is not subject to review under SEQRA;

2) Even if the proposed law/action were subject to environmental review as an “unlisted” action, having taken a hard look at such action, including the relatively short duration of the moratorium, the hardship escape provision contained therein, and other features of the proposed law, the Town Board concludes that there will be no significant adverse environmental impact as a result of the adoption and implementation of the proposed moratorium.

TOWN BOARD

TO SET A PUBLIC HEARING/AMEND THE TOWN CODE, CHAPTER 5 ENTITLED APPLICABILITY OF UNIFORM CODE/MAY 16, 2017 AT 8:05 P.M.

4. **RESOLVED**, that the Town Of Orangetown hereby sets a Public Hearing on May 16, 2017 at 8:05 PM to consider the applicability of § 5-1, the New York State Uniform Fire Prevention and Building Code (Uniform Code) and the State Energy Conservation Construction Code (Energy Code).

TOWN ATTORNEY

AMEND RESOLUTION NO. 195-2017/CHANGE DATE OF PUBLIC HEARING/ENTITY DISCLOSURE LAW

5. **RESOLVED**, that Resolution No. 195/2017 is hereby amended, rescheduling the public hearing for the Entity Disclosure Law to May 16, 2017 at 8:05 P.M.

CANCEL/AGREEMENT WITH FRONTIER COMMUNICATIONS, INC.

6. **WHEREAS** the Town of Orangetown entered into a contract dated November 1, 2016 with Frontier Communications, Inc. for the purchase and installation of a telephone and E-911 voice recording system; and

WHEREAS, the Director of Automated Services is concerned with the ability of Frontier Communications, Inc. to complete the terms of the agreement and wishes to cancel said agreement prior to installation or delivery; and

NOW, based upon all the information before the Town Board, and the findings hereinbefore made,

RESOLVED, that upon the recommendation of the Director of Automated Services, the Town Board hereby authorizes the Supervisor to execute a letter, on behalf of the Town, as proposed and written, to FRONTIER COMMUNICATIONS, INC. notifying them of the cancellation of the contract dated November 1, 2016.

TOWN ATTORNEY/PARKS/HIGHWAY/DEME

**APPROVE COOPERATIVE LICENSE AGREEMENT/
PALISADES INTERSTATE PARK COMMISSION/
BIKE BYPASS/GREENBUSH ROAD AT ROUTE
303/BLAUVELT STATE PARK**

7. **WHEREAS**, the Town of Orangetown has applied to New York State, acting through the Dormitory Authority of the State of New York (“DASNY”), for a grant to construct a paved bicycle/pedestrian path, on the east side of Rte. 303, that, when complete, will connect the two ends of Greenbush Road in Blauvelt bypassing the dangerous condition that presently exists at the intersection of Route 303 at Greenbush Road; and

WHEREAS, the proposed 1300 foot long, eight-foot wide paved path will require a twenty-foot wide license on Palisades Interstate Park Commission (“PIPC”) parkland on the east side of Route 303 within Blauvelt State Park (the “Licensed Premises”); and

WHEREAS, the PIPC has proposed a cooperative license agreement between it and the Town, allowing the use of the Licensed Premises by the Town for the stated purpose, subject to the review and approval of DASNY for compliance with the grant’s parameters,

NOW, THEREFORE, BE IT RESOLVED, upon the recommendation of the Town Attorney, the Town of Orangetown hereby approves the execution of a Cooperative License Agreement with the PIPC, contingent on approval by DASNY, and further authorizes the Supervisor or his designated representative to sign such agreement if and when approved by DASNY, and execute any and all other documents as may be required to effectuate this resolution.

DEME/TOWN BOARD

**APPROVE EXECUTION/INTER-MUNICIPAL
AGREEMENTS/ROCKLAND COUNTY SOLID
WASTE AUTHORITY/TRANSPORTATION,
PROCESSING, AND COMPOSTING OF
DEWATERED SLUDGE AND SIDE STREAMS**

8. **RESOLVED**, that the Town Board approves two Inter-municipal Agreements with the Rockland County Solid Waste Authority, as follows:
- 1) Inter-municipal Agreement, providing for the transportation, processing and composting of dewatered sludge generated by Orangetown Sewer District #2 Wastewater Treatment Plant; and
 - 2) Inter-municipal Agreement, providing for the collection, temporary storage and disposal by a designated hauler of Acceptable Side Streams from Orangetown Sewer District #2.

Each of the aforesaid agreements, required for the operation of the Town’s wastewater treatment plant and related collection facilities in compliance with the plant’s N.Y.S. SPDES

Permit, and the applicable regulations of the N.Y.S. DEC, is for a period of 5-years, with a renewal term of three (3) additional five-year terms; and,

BE IT FURTHER RESOLVED, that each of the Town Board members and the Commissioner of the Department of Environmental Management and Engineering, as the case may be, shall be authorized to execute the said agreements and any other or additional documents as may be required in order to effectuate the purposes of such agreements.

PARKS AND RECREATION

**AWARD BID/ABATEMENT/DEMOLITION OF
THE BLUE HILL HOUSE/BLUE HILL COTTAGE/
NARI CONSTRUCTION/\$66,000.00.**

9. **RESOLVED**, that upon the recommendation of the Superintendent of Parks and Recreation award the bid for the abatement/demolition of the Blue Hill House/Blue Hill Cottage to Nari Construction LLC, of Lincoln Park, NJ the only bidder, in the amount of \$66,000.00.

**REQUEST FOR SHOWMOBILE/NYACK
AMERICAN LEGION POST 310 MEMORIAL DAY
PARADE/MONDAY, MAY 29, 2017**

10. **RESOLVED**, upon completion of all necessary paperwork the Superintendent of Parks and Recreation has forwarded for approval by the Town Board use of the Showmobile by the Nyack American Legion Post 310 for their Memorial Day Parade on Monday, May 29, 2017 at a rental cost of \$400.00 with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

**REQUEST FOR SHOWMOBILE/VILLAGE OF
NYACK AFRICAN AMERICAN FESTIVAL/
SATURDAY, JUNE 3, 2017**

11. **RESOLVED**, upon completion of all necessary paperwork the Superintendent of Parks and Recreation has forwarded for approval by the Town Board use of the Showmobile by the Village of Nyack for their African American Festival on Saturday, June 3, 2017 at a rental cost of \$400.00 with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

PERSONNEL

**ACCEPT WITH REGRET/RETIREMENT/ALLAN
SEEBACH**

- 12. RESOLVED**, that the Town Board accepts with regret, the retirement of Allan Seebach, Department of Parks, Recreation, and Facilities, effective April 30, 2017; and

BE IT FURTHER RESOLVED that upon recommendation of the Superintendent of Parks and Recreation, Mr. Seebach shall be issued a "Gold Card" granting him free access to golf at both Blue Hill and Broadacres golf courses in recognition of his 30 years of service at Blue Hill Golf Course as Assistant Greenskeeper, acting Head Greenskeeper, and Head Greenskeeper.

HIGHWAY

**APPROVE GRANT DISBURSEMENT AGREEMENT
FOR A GRANT FROM DASNY FOR THE
CONSTRUCTION OF A SIDEWALK BETWEEN THE
PALISADES COMMUNITY CENTER AND THE
INTERSECTION OF OAK TREE AND ROUTE 9W**

- 13. WHEREAS**, the Town has previously applied for a grant from the Dormitory Authority of the State of New York ("DASNY") for the construction of a sidewalk between the Palisades Community Center and the intersection of Oak tree and Route 9w; and

WHEREAS, the said grant was approved and awarded in the sum of \$150,000.00; and

WHEREAS, the Town has completed all work required in order to obtain reimbursement up to the stated amount and is now required to execute a Grant Disbursement Agreement with DASNY for the receipt of the approved funding,

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby approves a certain Grant Disbursement Agreement with DASNY, and authorizes the Town Supervisor and the Superintendent of Highways, or their designated representative(s), to execute said agreement on behalf of the Town and to take all such further steps as may be required to obtain the said grant funding.

**AFFIRM TOWN OWNERSHIP/DEPOT SQUARE/
MAIN STREET TO MAIN STREET, SPARKILL**

- 14. RESOLVED**, that the Town Board hereby affirms that the Town of Orangetown owns and maintains the described road and length - ID #194995 - Depot Square, Sparkill, NY, as follows:

Depot Square - from Main Street to Main Street - road section length - 0.14 miles and pavement width is 0.22.

The total length of the road owned and maintained by the Town of Orangetown is - 0.14

**AFFIRM OWNERSHIP/MARYCREST ROAD,
WEST NYACK**

15. RESOLVED, that the Town Board hereby affirms that the Town of Orangetown owns, maintains and has legal responsibility for the described road and length - ID # 194835 - Marycrest Road in West Nyack as follows:

- Marycrest Road - from begin loop to end loop - road section length - 0.34 miles and pavement width is 27'
- Marycrest Road - from the end loop to Ahlmeyer Drive - road section length - 0.50 miles and pavement width is 30'
- Marycrest Road - from Ahlmeyer Drive to the Palisades Interstate Parkway ramp - road section length - 0.24 miles and pavement width is 30'

The total length of the road owned and maintained by the Town of Orangetown is - 1.08

**GRANT PERMISSION/JAMES J. DEAN/ATTEND
2017 SWANA CONFERENCE/LAKE GEORGE**

16. RESOLVED, that the Town Board hereby authorizes James J. Dean, Superintendent of Highways, to attend the Federation of NY Solid Waste Association, Solid Waste and Recycling Conference from May 21-24, 2017, Lake George, NY, as a speaker and conference participant at a cost of \$1,240.80. to be charged to account #D.5140.457.

**APPROVE FOR SURPLUS/HIGHWAY
DEPARTMENT**

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

- 2002 Ford F550 1FDAF57F02ED56637
- 2005 Int. Lightning Loader 1HTMMAAN55H125304
- 2005 F550 Rack truck 1FDAF57P65EC33499
- 2005 F550 Dump-Plow 1FDAF57P05EC33501
- 1998 Snap-On MM300L mig combination welder (Ser.MM3-276)
- 2003 Thermal Dynamics Plasma Cutter Cut Master 50 (Ser. 02331997)

- 2- 12' Frink snow plows, power angle worm gear driven
- 13- Tailgate mounted plastic tanks with framework and supports, 5 of these tanks have electric pumps (each tank approx. 80 gallons)
- Behind cab mounted rectangle plastic tank with framework (approx. 80 gallons)
- Trackless snow thrower Model- B, Serial- 1346

HIGHWAY/POLICE DEPT

**LEND ASSISTANCE/TAPPAN COMMUNITY
GARAGE SALE FUNDRAISER/SATURDAY, MAY
20, 2017**

- 18. RESOLVED**, that the Town Board authorizes the Town of Orangetown Highway & Police Depts., to lend assistance, including equipment & personnel, as may be required, for the Tappan Community Garage Sale Fundraiser for the Noble Ninth, for the restoration of the old Mason's retirement home, to be held on Saturday, May 20, 2017 (rain date: 5.21.17) from 9 am to 4 pm.

**LEND ASSISTANCE/5K NUN RUN/
BLAUVELT/SATURDAY, MAY 13, 2017**

- 19. RESOLVED**, that the Town Board hereby authorizes the Town of Orangetown Highway & Police Departments to lend assistance which includes barricades from the Highway Dept., and police detail from the Police Dept., for the 5K Nun Run in Blauvelt on Saturday, May 13, 2017, from 8:30 am to 11:30 am.

**LEND ASSISTANCE/RELAY FOR LIFE/PEARL
RIVER/SUNDAY, JUNE 11, 2017**

- 20. RESOLVED**, that the Town Board hereby authorizes the Town of Orangetown Highway & Police Departments to lend assistance which includes barricades, recycling kiosks, verticades, reflective caution tape, trash bags, KRB cans & message board from the Highway Dept., and no parking signs & handicap parking signs from the Police Department, for the Relay for Life walk at the Central Avenue Field in Pearl River on Saturday, June 10 thru Sunday, June 11, 2017, from 5 pm to 5 am.

DEME

**CONTRACT WITH GHD CONSULTANTS/
ENGINEERING REDUCTION OF TOTAL RESIDIAL
CHLORINE AS REQUIRED BY NYSDEC/\$5,500**

21. WHEREAS, the NYSDEC has revised the requirement in the Orangetown Sewer District #2 SPDES permit of final effluent limitation for Total Residual Chlorine: and,

WHEREAS, an engineering report is required to be submitted detailing the design basis, treatment unit type and sizing that will be used to comply with said requirement; and,

WHEREAS, three engineering firms were contacted to submit prices to write the engineering report; and,

WHEREAS, GHD Engineers is qualified to write this report and submitted the lowest price,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board approves an agreement with GHD Engineers to write and submit an engineering report to comply with the latest NYSDEC requirement regarding Total Residual Chlorine in the final effluent for \$5,500.00.

PERSONNEL

**CREATE POSITION PUBLIC HEALTH ENGINEER
AND ZONING ENFORCEMENT OFFICER/DEME**

22. RESOLVED, that upon the recommendation of Rockland County Personnel and the Human Resources Coordinator, create the position of Public Health Engineer and Zoning Enforcement Officer, Grade 20, Step 1, at a salary of \$83,680.00. The position will work under the DEME (Department of Environmental Management and Engineering), is budgeted and is approved by CSEA.

BUREAU OF FIRE PREVENTION

DECLARE SURLPUS/1999 CROWN VICTORIA

23. RESOLVED, that on the recommendation of the Chief Fire Inspector, the Town Board hereby declares as surplus one 1999 Crown Victoria with over 104,000 miles VIN 2FAFP71W3XX200017.

NEW BUSINESS:

DEME

**APPROVE/SEWER WORK 2017/ CERTIFICATE
OF REGISTRATION**

1. **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 2017 Sewer Work is approved to:

TAL SERVICES, LLC, 176 West Erie Street, Blauvelt, NY 10913-1251

AUDIT

PAY VOUCHERS

1. **RESOLVED**, upon the recommendation of the Finance Director, Jeff Bencik, the Finance Office is hereby authorized to pay vouchers for the General Fund, Town Outside Village, Blue Hill, Broadacres, Highway, Sewer, Capital Projects, Risk Retention, and Special Parking Funds for a total amount of warrants for a total amount of \$_____.

Adjournments at ____ in memory of: Joseph David Alexander, 43, formerly of Pearl River
Martin Ceresnik, 38, of Pearl River