

**TOWN OF ORANGETOWN
WORKSHOP MEETING
TUESDAY, MAY 9, 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: • Annual Highways Awards Presentation - May 16, 2017

PRESENTATION: • New York Power Authority presentation on the conversion of town street lights to LED fixtures.

• Presentation by Carol Baxter Re: Traffic Study Route 9W, Palisades, NY

DISCUSSION: • Capital Projects/Grant Opportunities through the upcoming Consolidated Funding Application and other available grants

AGENDA ITEMS:

PERSONNEL (To Be Voted 5/9/17)

**APPOINT STEPHANIE TASSELLO/PRINCIPAL
ACCOUNT CLERK/PERMANENT/FINANCE
DEPT/EFFECTIVE MAY 10, 2017/NO CHANGE IN
SALARY**

1. **RESOLVED**, that upon the recommendation of the Human Resources Coordinator, appoint Stephanie Tassello from Rockland County EL #15075 t the position of Principal Account Clerk, permanent, in the Finance Department, effective 5/10/2017, no change in salary.

TOWN ATTORNEY

**OPEN PUBLIC HEARING ON MAY 16, 2017 AT
8:10 P.M. ON PROPOSED LOCAL LAW NO. __,
AMENDING CHAPTER 5 (BUILDING
CONSTRUCTION AND FIRE PREVENTION), § 5-1,
OF THE TOWN CODE**

2. On motion of Councilman _____, seconded by Councilman _____, the public hearing on a proposed local law, amending Chapter 5, § 5-1, of the Town Code of the Town of Orangetown, entitled "Applicability of uniform code", is hereby opened.

**CLOSE PUBLIC HEARING ON PROPOSED LOCAL
LAW NO. __, AMENDING CHAPTER 5
(BUILDING CONSTRUCTION AND FIRE
PREVENTION), § 5-1, OF THE TOWN CODE**

3. On motion of Councilman _____, seconded by Councilman _____, the public hearing on a proposed local law, amending Chapter 5, § 5-1, of the Town Code of the Town of Orangetown, entitled "Applicability of uniform code", is hereby closed.

**DESIGNATION OF LEAD AGENCY WITH RESPECT
TO PROPOSED LOCAL LAW NO. ____,
AMENDING CHAPTER 5 (BUILDING
CONSTRUCTION AND FIRE PREVENTION), § 5-1,
OF THE TOWN CODE AND DETERMINATION
UNDER SEQRA**

4. **RESOLVED**, that the Town Board hereby declares itself to be Lead Agency for environmental review with respect to a proposed local law, amending Chapter 5, § 5-1, of the Town Code of the Town of Orangetown, entitled "Applicability of uniform code", and determines that such action will not have a significant adverse environmental impact, and, therefore, issues a Negative Declaration with respect thereto under the State Environmental Quality Review Act.

**ADOPT LOCAL LAW NO. __, AMENDING
CHAPTER 5 (BUILDING CONSTRUCTION AND
FIRE PREVENTION), § 5-1, OF THE TOWN CODE**

5. **RESOLVED**, that the Town Board hereby adopts proposed local law No. __, amending Chapter 5, § 5-1, of the Town Code of the Town of Orangetown, entitled "Applicability of uniform code".

PROPOSED LOCAL LAW NO. __ OF 2017, AMENDING CHAPTER 5 OF THE TOWN CODE, "BUILDING CONSTRUCTION AND FIRE PREVENTION"

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

Section 1. Chapter 5, § 5-1, of the Town Code of the Town of Orangetown, entitled "Applicability of uniform code", is hereby amended to reflect the adoption by the Town Board of the revised New York State fire, building and energy construction codes as applicable in the Town of Orangetown. Section 5-1, as amended, shall read as follows:

Chapter 5: Building Construction and Fire Prevention

§ 5-1. Applicability of uniform code.

The applicability of the New York State Uniform Fire Prevention and Building Code (Uniform Code) and the State Energy Conservation Construction Code (Energy Code) were accepted by Local Law No. __ of 2017, adopted by the Town Board of the Town of Orangetown on May 16, 2017.

Section 2. Effective Date. This Local Law shall become effective immediately upon its filing with the Secretary of State.

TOWN ATTORNEY

OPEN PH/MAY 16, 2017 AT 8:15 P.M./ENACT AN ENTITY DISCLOSURE LAW

6. **RESOLVED**, that the 8:15 P.M. public meeting to consider a local law, _____, is hereby opened.

CLOSE PH/MAY 16, 2017/ENACT AN ENTITY DISCLOSURE LAW

7. **RESOLVED**, that the public portion is hereby closed.

A LOCAL LAW TO AMEND Chapter 43 the Code of the Town of Orangetown to ADD a New Article, Article XVI entitled "Entity Disclosure" of the Town Code pursuant to

**LOCAL LAW NO. ____ OF 2017 OF THE
INCORPORATED TOWN OF ORANGETOWN, NEW YORK
TOWN BOARD IMPLEMENTING AN ENTITY DISCLOSURE LAW
FOR ALL LAND USE APPLICATIONS IN THE TOWN OF ORANGETOWN, NEW YORK**

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

Section 1. Chapter 43 of the Code of the Town of Orangetown is amended by adding a new Article, designated as Article XVI entitled "Entity Disclosure", to read as follows:

§16.1

A. Legislative Findings and Intent.

The Town Board finds and determines that there is a critical and compelling need, in the public interests as set forth herein, to provide for full and fair disclosure of all privately held and/or non-publically traded entities making land use applications before the Town to the extent possible to ensure that any and all potential conflicts of interest or other ethical concerns are properly disclosed and addressed by any and all affected parties.

The Town finds and declares that there is no existing law that preempts the adoption of this Local Law so that the public interests in open and transparent government and land use applications can be promoted by enactment of this Local Law to require all privately held and/or non-publically traded entities making land use applications to supply information as to all limited and general members, shareholders, officers and directors or any other authorized persons having control over such privately held entities who apply for approval from the Town. Such disclosure will inform the public and the Town concerning the names of individuals with a vested interest in land use applications, will facilitate application review by the reviewing boards, will disclose actual or potential conflicts of interest and enhance enforcement of the code.

Section 2.

§16.2 Definitions.

For the purpose of this article, the following words and phrases shall have the meanings ascribed to them.

AUTHORIZED PERSON-Any person who is authorized to act or does act either alone or in conjunction with others, on behalf of an entity, or who has authority to direct, control or influence the entity in any manner.

APPLICANT-The legal, beneficial and equitable owner(s) of property seeking approval(s) by one or more land use board(s) of the Town, including the Town Board where applicable, in a land use application, including but not limited a contract purchaser or holder of an option to purchase such property, and a person or entity authorized to make an process such a land use application on behalf of a legal, beneficial or equitable owner of property.

ENTITY-A limited liability company, limited liability partnership, general or limited partnership, professional corporation, joint venture, "doing business as" name or venture, association or non-publically traded corporation.

LAND USE APPLICATION-An application form and supporting documents submitted by an applicant for review and approval of a building permit, certificate of occupancy, subdivision plat, site plan, special use permit, conditional use permit, variance, zoning amendment, or any other permit, approval or certificate required, necessary or requested for the development of land or construction.

§16.3 Requirement for disclosure

A. A land use application for land development or construction within the Town that lists an entity as the owner or applicant shall complete an Entity Disclosure Statement in a form approved by the Town Board from time to time by resolution and provide all information required in said form. Said Entity Disclosure Statement shall be affirmed or sworn to under the penalty of perjury and shall be filed along with any such land use application or request for permission to undertake any construction activity within the Town.

B. In the event that, prior to issuance of a Certificate of Occupancy for any project under this article, a project that has previously received approval is in any manner transferred, whether by transfer of the property or transfer of the management and/or operation of the original Entity making application to another Entity, the transferring Entity shall notify the Town and such succeeding Entity must fully comply with this article before any work on the project shall be permitted to proceed. It shall be the responsibility of both the applicant and the Entity to which transfer is being made, to notify the Town of any such transfer.

C. Said Entity Disclosure Statement shall apply to any land use applications, approvals or permission sought from the Building Inspector, Town Board, Town Planning Board, Town Zoning Board of Appeals, the Architectural Community Appearance Board of Review (ACABOR) or Historical Area Board of Review (HABOR). The Town shall not process, hear, rehear, approve or sign any new or pending preliminary or final site plan, preliminary or final subdivision map, special permit, variance or other land use application or permit which relates directly or indirectly to any construction, including but not limited to any grading permit, erosion and sediment control permit, wetland permit, sewer connection permit, floodplain development permit, water connection permit, which may be granted in association with any construction unless the application includes a fully completed Entity Disclosure Statement signed and either sworn to or affirmed and submitted with said application to the respective Board.

D. An Entity Disclosure Statement is not required for any of the following activities:

1. Construction of a private garage, not in excess of 500 square feet. Said building shall not be used for any other purpose than the storage of automotive vehicles.
2. Construction of accessory structures, other than garages, not in excess of 300 square feet.
3. Construction of outdoor decks, sidewalks, or porches;
4. Construction of outdoor swimming pools;
5. Installation of fences;
6. Interior or exterior remodeling of a single family detached residential dwelling in existence and with a valid certificate of occupancy as of the effective date this local law, which does not

involve any change of use or increase the size of the building, including but not limited to window replacement, door replacement, plumbing improvements, new siding, removal of interior walls, and similar improvements:

7. Installation or removal of home heating oil or propane tanks, in accordance with all applicable laws;
8. Repair, involving the removal and installation of an individual well or in-ground septic system, for a dwelling in existence and with a valid certificate of occupancy as of the effective date of this law;
9. Construction of a private shed not exceeding 300 square feet.
10. Other minor improvements to dwellings or residential lots with an existing certificate of occupancy, after the Building Inspector has conferred with the Town Board, and the Town Board has rendered a determination that the improvement falls within the scope and nature of the exemptions listed herein.

Section 3.

§16.4 Penalties for offenses

- A. Where an Entity or its representative(s) refuses or fails to provide the information required under this Local Law, the further processing of such application and any work related thereto (“the application”) shall be suspended in all respects, until such time as the board or official before which application is submitted or pending determines that the Entity has fully complied with the provisions of this Local Law. In the event of any form of transfer of the property that is the subject of the application occurs or the ownership and/or management of the project is transferred in any manner to another Entity during a pending suspension of the application under the Local Law, the application shall remain suspended until such time as the succeeding Entity shall appear before such body or official before whom the application is pending and obtain approval for any continued work in relation to the application in addition to compliance with this Local Law. The Building Inspector is authorized to issue a Stop Work order on any project where an application has been suspended under this Local Law.
- B. Any Entity or representative of an Entity that provides false information or grossly inaccurate information regarding any application, or who fails to advise the Town of a change in ownership shall, in addition to the suspension of any pending application as set forth in subdivision A above, be subject to a fine not exceeding \$5,000 for a violation of this Local Law. The Town Building Inspector/Code Enforcement Officer is hereby authorized to issue an appearance ticket or other process for a violation of this Local Law.
- C. Nothing herein shall be deemed to preclude a criminal proceeding being instituted by the People of the State of New York against the Entity or any of its representatives in the Justice Court or County Court for any offenses where the conduct committed may constitute a violation of the New York State Penal Law or other criminal statutes.
- D. Civil Penalty: In addition to those penalties prescribed by herein and by state law, any person or Entity who violates any provision of this chapter shall be liable for a civil penalty of not

more than \$3,000.00 for each offense. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this Town. In any such proceeding to collect a civil penalty, the Town shall be entitled to collect interest, costs and disbursements incurred in connection with such proceeding and in addition reasonable counsel fees or a charge to reimburse the Town for expenditures for attorneys employed or appointed by the Town.

Section 4. Effective Date.

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

HIGHWAY AND POLICE DEPARTMENTS

AUTHORIZE HIGHWAY AND POLICE/LEND ASSISTANCE/PERSONNEL AND EQUIPMENT/GREEK FESTIVAL/JUNE 1-4, 2017

8. **RESOLVED**, that the Town Board hereby authorizes the Town of Orangetown Highway and Police Departments to lend assistance including personnel and equipment, as may be required, for the Greek Festival to be held on June 1 – 4, 2017 from 12:00 noon to 12:00 am.

AUTHORIZE HIGHWAY, PARKS, AND POLICE DEPTS/LEND ASSISTANCE/PERSONNEL & EQUIPMENT (USE OF BARRICADES, CONES & DETOUR SIGNS, POLICE DETAIL)/GRAN FONDO BIKE RACE/SUNDAY, MAY 21, 2017

9. **RESOLVED**, that the Town Board hereby authorizes the Town of Orangetown Highway, Parks & Police Departments to lend assistance, including personnel & equipment, as may be required, which includes the use of barricades, cones & detour signs from the Highway Department and Police detail from the Police Department, for the Gran Fondo NY bike race on Sunday, May 21, 2017, from 8 am to 3 pm.

AUTHORIZE HIGHWAY, PARKS, AND POLICE DEPTS/LEND ASSISTANCEPERSONNEL & EQUIPMENT (CHAIRS, PODIUM, BARRICADES AND TRAFFIC CONTROL)/RAYMOND W. DEMEOLA POST 1615/WALKWAY OF HEROES/ MEMORIAL DAY EVENT ON MAY 28, 2017

10. **RESOLVED**, that the Town Board hereby authorizes the Town of Orangetown Highway, Parks, and Police Departments to lend assistance, including personnel & equipment, which includes

chairs, podium, barricades and traffic control for the Raymond W. DeMeola Post 1615 Memorial Day Event on May 28, 2017 at 10:00 A.M.

PERSONNEL

**APPOINT ELIZABETH MCCONEGHY/ACCOUNT
CLERK TYPIST/GRADE 4, STEP 1/HIGHWAY
DEPARTMENT/EFFECTIVE JUNE 7, 2017**

11. **RESOLVED**, that upon the recommendation of the Superintendent of Highways, appoint Elizabeth McConeghy from RC EL#14065 to the position of Account Clerk Typist, Grade 4, Step 1 at a salary of \$40,216.00, effective June 7, 2017.

DEME

**GRANT PERMISSION/BRUCE PETERS,
ENGINEER III OF DEME/TO ATTEND THE NYS
FLOODPLAIN AND STORMWATER MANAGERS
ASSOCIATION CONFERENCE/BINGHAMTON,
NY/JUNE 12-14, 2017**

12. **RESOLVED**, that upon the recommendation of the Commissioner of DEME, grant permission for Bruce Peters, Engineer III of DEME, to attend the New York State Floodplain and Stormwater Managers Association conference in Binghamton, NY from June 12–14, 2017 at a cost of \$876.00 to be charged to Account No. G.8130.441.

TOWN BOARD/TRAFFIC ADVISORY BOARD

**REQUEST NYSDOT STUDY ROUTE 9W/OAK
TREE ROAD TO KOPAC LANE**

13. Resolution to be inserted

Adjournment at ___ P.M. in Memory of: