

**TOWN OF ORANGETOWN REGULAR TOWN MEETING  
Tuesday, June 4, 2019**

This Town Board Meeting was opened at \_\_\_\_\_ p.m.

Councilman Denis Troy \_\_\_\_\_

Councilman Thomas Diviny \_\_\_\_\_

Councilman Paul Valentine \_\_\_\_\_

Councilman Jerry Bottari \_\_\_\_\_

Supervisor Christopher Day \_\_\_\_\_

**POLICE COMMISSION**

**RESOLUTION  
TO PROMOTE  
SHANNON /  
POLICE  
CAPTAIN**

1. **RESOLVED**, upon the recommendation of the Police Chief, appoint Michael Shannon to the position of Police Captain, contingent-permanent, from Rockland County EL#16087, effective 06/05/2019, salary per the terms of the contract between the Captain and Town Board.

**RESOLUTION TO  
PROMOTE ACHESON /  
POLICE LIEUTENANT**

2. **RESOLVED**, upon the recommendation of the Police Chief, appoint James Acheson to the position of Police Lieutenant, permanent, from Rockland County EL#15077, effective 06/05/2019, salary as negotiated in the PBA contract.

**RESOLUTION TO  
PROMOTE WHALEN /  
POLICE SERGEANT**

3. **RESOLVED**, upon the recommendation of the Police Chief, appoint Nicholas Whalen to the position of Police Sergeant, permanent, from Rockland County EL#17052, effective 06/05/2019, salary as negotiated in the PBA contract.

***Pledge of Allegiance to the Flag***

**ANNOUNCEMENTS :**

**2019 Military Tribute Banner Program** - Only two weeks left to order a banner to be hung this year. **The last date to place your order for this year's Program will be Monday, June 10th.** Sponsorship Fee is \$150.00, Banners (18" x 38") will be displayed until Veteran's Day. Available display areas include: Orangeburg Rd., Orangeburg & Downtown Pearl River. Banners can be sponsored using the following website link: <http://militarytributebanners.org/current-programs/orangetown-ny.html>. All proceeds of the program will be used toward annual event/tradition to benefit our local veterans. Please e-mail [supervisor@orangetown.com](mailto:supervisor@orangetown.com) for more details.

The Town of Orangetown and The Pearl River Chamber of Commerce will be sponsoring its first seasonal **Pearl River Farmer's Market** / Open to Public, every Sunday, from 10 a.m. to 3 p.m. / Beginning May 19th continuing through November 24, 2019. The stretch of North William Street (Between Washington Avenue and Central Avenue) will be blocked off and closed to vehicular traffic during the hours of 7:00 a.m. through 4:00 p.m. each Sunday while the Market is open. Locally sourced vendors will be gathering at the market to sell fresh produce and other farmer's market items. The new market place will serve as a healthy and fun meeting place for residents, while also promoting all that downtown Pearl River has to offer. Occasionally, the Market will be accompanied by live music and other amusements.

- Continue Public Hearing / TBWS/RTBM of June 18, 2019 at 8:15 p.m. / Proposed zone change for 576 route 303 and adjoining properties
- Congratulations to the Camp Venture basketball team for coming in 2nd in their league up in Haverstraw!

**PRESENTATIONS:**

- Girl Scout Troop #40309 Recognition - Earned the Bronze Award - Girls and their Leaders Hosted a Garage Sale with Proceeds being donated to Homes for Heroes
- Presentation by Palisades, Orangeburg and Tappan Free Libraries regarding the researched findings of redistricting.
- Presentation by Sparkill Watershed Alliance

**DISCUSSION:**

WORKSHOP OF AGENDA ITEMS

**PUBLIC COMMENT:**

**OPEN PUBLIC COMMENT PORTION**

4. **RESOLVED**, that the public portion is hereby opened.

**SUMMARY OF PUBLIC COMMENTS:**

**CLOSE PUBLIC COMMENT PORTION**

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

**AGENDA ITEMS:**

**TOWN BOARD**

**RESCIND RESOLUTION NO. 220 of 2019 / CANCEL  
PUBLIC HEARING / JUNE 18 @ 8:05 P.M. / PROPOSED  
AMENDMENT TO TOWN CODE CHANGE TO PREVENT  
COMMERCIAL ENTITIES WITH DELINQUENT  
PROPERTY TAX STATUS FROM OBTAINING NEW  
BUILDING PERMITS**

6. **RESOLVED**, that the Town Board rescinds Resolution No. 220 of 2019 and hereby cancels the public hearing formerly set for June 18, 2019 at 8:05 P.M. re proposed amendment to Town Code re: Prevention of commercial entities with Delinquent Property Tax Status from obtaining new building permits.

**RESOLUTION TO ACCEPT PETITION /  
REQUEST FOR ZONE CHANGE AND  
DIRECT CIRCULATION OF PROPOSED  
LOCAL LAW, AMENDING TOWN ZONING  
MAP**

7. **WHEREAS**, the owner of premises located at 268 North Middletown Road, Pearl River, New York, being located in the "CO" (Commercial-Office) zoning district, has petitioned the Town Board to change the zoning classification of the property to that of "R-15" (Medium Density Residential), a zoning district that directly abuts the property; and

**WHEREAS**, upon preliminary review, the Town Board is favorably disposed to such a change, because property currently abuts an R-15 zone, the property was previously used as a single family residence before a fire destroyed the property, and the proposed use as a single family residence, would be an appropriate use on the site; 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, and a Short Environmental Assessment Form prepared at the Town Board's request by the Office of Building, Zoning, Planning and Administration and Enforcement, and related documents and filings, the Board makes the following preliminary determinations: The proposed action is one subject to review under the State Environmental Quality Review Act ("SEQRA"); The proposed action as an "Unlisted" action; and 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- l & 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.

**RESOLUTION TO SET PUBLIC  
HEARING / PROPOSED ZONE  
CHANGE / 268 NORTH  
MIDDLETOWN ROAD PEARL RIVER**

8. **RESOLVED**, that the Town Board will hold a public hearing on July 23, 2019 at 8:05 p.m., on a proposed Local Law, as follows, amending Chapter 43, § 2.2, establishing the Town Zoning Map, to change the zoning district of the parcel known as 268 North Middletown Road, in the hamlet of Pearl River from “CC” to “R-15”.

**SEE ATTACHED PROPOSED LOCAL LAW**

**MEMORIALIZING RESOLUTION / CONDEMNING  
RELEASE OF RICHARD LABARBERA  
& ROBERT McCAIN / PAULA BOHOVESKY / NYS  
PAROLE BOARD**

9. **WHEREAS**, the Town of Orangetown wishes to express its continuing condolences to, and support for, the family of Paula Bohovesky, who was brutally raped and murdered thirty-nine years ago; and

**WHEREAS**, in 1980, Paula Bohovesky was a talented artist, an aspiring actress and well-regarded member of the junior class at Pearl River High School; and

**WHEREAS**, tragically, this young woman, burgeon with energy and a zest for life, was tragically and senselessly murdered just two blocks from her home; and

**WHEREAS**, the two young men who committed this heinous crime after a day spent drinking in a local bar received the maximum penalty for murder then allowed in New York State, twenty-five years to life in prison; and

**WHEREAS**, one of these men, Richard LaBarbera, has been recently granted parole and release from prison by the New York State Parole Board; and

**WHEREAS**, the second criminal involved, Robert McCain, will shortly go before that same parole board to petition for his own release; and

**WHEREAS**, neither of these murderers have expressed regret or taken responsibility for their heinous crime; and

**WHEREAS**, Paula’s family and friends, as well as those living in Orangetown at the time, can still recall the horror of that day; and

**WHEREAS**, Paula’s mother, Lois Bohovesky, must now witness at least one of the murderers of her child walk free, and potentially cause harm to others upon release; and

**WHEREAS**, the Town Board of Orangetown has met, considered and by a unanimous vote approved this resolution; now therefore be it

**RESOLVED**, that the Town Board of Orangetown expresses its shock and disgust with the decision of the New York State Parole Board, and asks that if it is at all legally possible they reconsider, or that the Governor intervene in any way possible; and be it further

**RESOLVED**, that the Town Board of Orangetown again implores the New York State Parole Board to not release Paula's second killer when he appears before them this month; and be it further

**RESOLVED**, the Town Clerk is hereby authorized and directed to send a certified copy of this resolution to Ms. Lois Bohovesky; to the NYS Parole Board; and to such other persons proper in order to effectuate the purpose of this resolution including the offices of:

NYS Governor Andrew Cuomo  
NYS Senator David Carlucci  
NYS Assemblywoman Ellen C. Jaffee

**TOWN BOARD / IT**

**RESOLUTION TO APPROVE / TOWN  
POLICY REGARDING  
ORGANIZATIONAL NETWORK, EMAIL  
AND INTERNET USE**

10. **RESOLVED**, upon the recommendation from the Director of Automated Systems, that the Town Board hereby approves the Town Policy attached herein regarding the Town of Orangetown's organizational Network, Email and Internet Use Policy, subject to final review by the Office of Town Attorney.

**TOWN CLERK**

**RESOLUTION TO ACCEPT / RECEIVE / FILE  
DOCUMENTS / TOWN CLERK'S OFFICE**

11. **RESOLVED**, that the following documents are accepted, received and filed in the Town Clerk's Office:
1. Town Board minutes: April 9th & 30th; and May 7th & 21st.
  2. Agreement: H2M Architects & Engineers, Community Center, Architecture & Engineering Services.
  3. Agreement: CANDLE - 2019
  4. NYSDOT - Town's Standard Title VI Non-Discrimination Assurances and Compliance
  5. Bond – Sale of \$421,206 Environmental Improvement (Serial) Bonds to pay part of the cost of the increase and improvement of facilities of the Orangetown Sewer District.

**TOWN ATTORNEY**

**RESOLUTION TO GRANT COVENANT / HOLD HARMLESS AND INDEMNIFICATION AGREEMENT / DONALD E. WILSON AND KATHLEEN L. WILSON / 22 COLONY DRIVE, BLAUVELT (70.09-3-53)**

12. **WHEREAS**, Donald E. Wilson and Kathleen L. Wilson, the property owners of property located at 22 Colony Drive, Blauvelt, New York, have applied to the Town Highway Department for permission to have their retaining wall/pool remain on their property and upon review, a portion of which encroaches on to an existing Town drainage easement; and

**WHEREAS**, the matter has been reviewed by the Town Highway Department and the Highway Department has required that the retaining wall/pool 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 22 Colony Drive, Blauvelt, New York (70.09-3-53), a revocable license, in the form of a Covenant, Hold Harmless and Indemnification Agreement, which provides in sum and substance the retaining wall/pool currently existing in the Town's drainage easement may remain and the owners of the property, Donald E. Wilson and Kathleen L. Wilson, 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 Covenant, 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.

**RESOLUTION TO GRANT COVENANT /  
HOLD HARMLESS AND INDEMNIFICATION  
AGREEMENT / THOMAS DEPRISCO / 41  
QUAKE LANE, PEARL RIVER (69.17-4-14)**

13. **WHEREAS**, Thomas DePrisco, the property owners of property located at 41 Quake Lane, Pearl River, New York, has applied to the Town Highway Department for permission to have a stone mailbox column on his property and upon review, a said stone mailbox column is on the Town's right-of-way; and

**WHEREAS**, the matter has been reviewed by the Town Highway Department and the Highway Department has required that the stone mailbox column may remain at its current location provided the owner of the property provides to the Town and indemnification and hold harmless agreement,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town hereby grants to 41 Quake Lane, Pearl River, New York (69.17-4-14), a revocable license, in the form of a Covenant, Hold Harmless and Indemnification Agreement, which provides in sum and substance the stone mailbox column currently existing in the Town's right-of-way may remain and the owner of the property, Thomas DePrisco, must defend, indemnify and hold harmless the Town for any damage related thereto and caused thereby, and that said structure 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 Covenant, 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.

**POLICE**

**RESOLUTION TO APPOINT / DELLI  
PIZZI / SENIOR CLERK TYPIST /  
POLICE RECORDS**

14. **RESOLVED**, upon the recommendation of the Police Chief, appoint Suzanne Delli Pizzi to the position of Senior Clerk Typist (Police Records), permanent from Rockland County EL #17025, at a salary of \$44,528.00, effective June 24, 2019.



**HIGHWAY**

**RESOLUTION TO APPROVE / LEND  
ASSISTANCE / 2019 PEARL RIVER  
CARNIVAL / CENTRAL AVENUE  
FIELD / JUNE 20-23**

15. **RESOLVED**, upon the recommendation from the Superintendent of Highways, that the Town Board hereby authorizes the Town of Orangetown Highway Department to lend assistance which includes the use of trash receptacles, field clean up, large dumpster & message board, for the Pearl River Carnival to be held from June 20-23, 2019 at the Central Avenue Field.

**RESOLUTION TO APPROVE / 2019 ACS  
RELAY FOR LIFE / PAINT THE TOWN  
PURPLE / CENTRAL AVENUE, PEARL  
RIVER**

16. **RESOLVED**, upon the recommendation from the Superintendent of Highways and the Town Board, that a purple line was painted along Central Avenue, Pearl River, between S. Middletown Road to Route 304, from June 1 - 8, 2019, for the ACS Relay for Life.

**HIGHWAY / POLICE**

**RESOLUTION TO APPROVE / LEND  
ASSISTANCE / 2019 PEARL RIVER ELKS  
CLUB FATHER'S DAY ROAD RACE /  
PEARL RIVER / SUNDAY, JUNE 16th**

17. **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 road use only from the Highway Department and Auxiliary Police from OPD, for the PR Elks Club annual Father's Day Race, to be held on Sunday, June 16, 2019, from 8:30 am – 9:30 am.

**HIGHWAY / PARKS**

**RESOLUTION TO APPROVE / LEND  
ASSISTANCE / 2019 PEARL RIVER ROTARY  
ANNUAL JAKE AMANN FISHING CONTEST /  
VETERANS MEMORIAL PARK / SATURDAY,  
JUNE 15th**

18. **RESOLVED**, upon the recommendation from the Superintendent of Highways & Superintendent of Parks, that the Town Board hereby authorizes these departments to lend assistance which includes the message board from the Highway Department and snow fencing & sound system from the Parks Dept., for the 35th annual Jake Amann Fishing contest to be held on Saturday, June 15, 2019 (rd: 6.16.19), from 10 am – 3 pm.

**HIGHWAY / PARKS / POLICE**

**RESOLUTION TO APPROVE / LEND  
ASSISTANCE / 2019 PEARL RIVER  
FIREWORKS / CENTRAL AVENUE  
FIELD / JULY 4th**

19. **RESOLVED**, upon the recommendation from the Superintendents of Highway & Parks and Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of trash receptacles, field clean up, dumpster, snow fence, barricades & message board from the Highway Dept., (6) port o sans, with (2) being handicapped accessible from the Parks Dept., and police detail from the Police Dept., for the Pearl River Fireworks to be held on Thursday, July 4, 2019 (rd: 7.5.19) from 6 pm - 11 pm.

**PARKS AND RECREATION**

**RESOLUTION TO APPOINT /  
CHRISTINE FULLER / NCP T&E /  
PRINCIPAL CLERK TYPIST /  
PERMANENT**

20. **RESOLVED**, upon the recommendation of Rockland County Personnel grant Christine Fuller a NCP/T&E (Non-Competitive Promotion, Training and Experience) to the position of Principal Clerk Typist, permanent, effective May 17, 2019, no change in salary.

**RESOLUTION TO AWARD BID / BOILER  
EQUIPMENT REPLACEMENT / BUILDING  
DEPARTMENT / BERRY BURNERS OF NYACK**

21. **RESOLVED**, upon the recommendation of the Superintendent of Parks and Recreation award the bid for the replacement of the Building Department boiler to Berry Burners of Nyack, the lowest qualified bidder, in the amount of: \$45,800.00.

**DEME**

**RESOLUTION TO APPOINT / CHRISTOPHER  
SHEEHAN / DEPUTY COMMISSIONER /  
CONFIDENTIAL ASSISTANT / DEME**

22. **RESOLVED**, upon the recommendation of the Commissioner of DEME, appoint Christopher Sheehan to the position of Deputy Commissioner / Confidential Assistant at a salary of \$85,000, effective June 10, 2019.

**AUDIT**

**PAY  
VOUCHERS**

23. **RESOLVED**, upon the recommendation of the Finance Director, Jeff Bencik, the Finance Office is hereby authorized to pay vouchers for a total amount of two (2) warrants for a total of \$507,604.62.

**ADJOURNMENTS**

**RESOLUTION TO RE-ENTER RTBM /  
ADJOURNED / MEMORY**

24. **RESOLVED**, at \_\_\_\_ pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of:

- Homer Wanamaker, *Former Chief of Police, Town of Orangetown (1992 - 1997)*