



**TOWN OF ORANGETOWN TOWN BOARD MEETING**

**Tuesday March 08, 2022**

This Town Board Meeting was opened at 7:00 PM.

Councilperson Thomas Diviny	_____
Councilperson Paul Valentine	_____
Councilperson Jerry Bottari	_____
Councilperson Brian Donohue	_____
Supervisor Teresa M. Kenny	_____

**☼ Pledge of Allegiance to the Flag**

**ANNOUNCEMENTS:**

- ◆ **Gatto Lane Presentation on March 22, 2022 at 7 pm.**
- ◆ **58th Annual Rockland County St. Patrick's Day Parade in Pearl River, NY / Sunday, March 20, 2022 at 1:30 P.M. / *Rain or Shine.***
- ◆ **2022 Military Tribute Banner Program / Please email: [supervisor@orangetown.com](mailto:supervisor@orangetown.com) for more details / *The deadline to order or renew your banner will be Friday, April 15, 2022.***

**PRESENTATIONS:**

- ◆ **Distinguished Service Recognition for Bruce Bond and Robert Dell for their contributions to the Town of Orangetown**
- ◆ **Proclamations for 2022 Irish Cultural Heritage Month honoring:**
  - ♣ **Nadine Faughnan-Green - Hibernian of the Year**
  - ♣ **Peter and Kwan Bellhouse, Kwan Thai Restaurant - Hibernian Business People of the Year**
  - ♣ **Frank McDonagh - Rockland County St. Patrick's Day Parade Grand Marshal**

**DISCUSSION:**

- ◆ **WORKSHOP OF AGENDA ITEMS**

**PUBLIC COMMENT:**

**1. OPEN PUBLIC COMMENT PORTION**

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

SUMMARY OF PUBLIC COMMENTS:

**2. CLOSE PUBLIC COMMENT PORTION**

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

**AGENDA ITEMS:**

**TOWN BOARD**

**3. OPEN PUBLIC HEARING / PROPOSED AMENDMENT TO TOWN CODE / AMENDING CHAPTER 31C OF THE TOWN CODE TO AUTHORIZE ELECTRIC VEHICLE CHARGING/DISPLAY KIOSKS AND GAS STATION PUMP DISPLAY MONITORS IN CERTAIN ZONES**

**RESOLVED**, that the public hearing is hereby opened.

PRESENTATION: Notice of Posting and Affidavit of Publication

**4. CLOSE PUBLIC HEARING / PROPOSED AMENDMENT TO TOWN CODE / AMENDING CHAPTER 31C OF THE TOWN CODE TO AUTHORIZE ELECTRIC VEHICLE CHARGING/DISPLAY KIOSKS AND GAS STATION PUMP DISPLAY MONITORS IN CERTAIN ZONES**

**RESOLVED**, that the public hearing is hereby closed.

**5. DESIGNATION OF LEAD AGENCY WITH RESPECT TO PROPOSED LOCAL LAW NO. \_\_\_ OF 2022, AMENDING CHAPTER 31C OF THE TOWN CODE TO AUTHORIZE ELECTRIC VEHICLE CHARGING/DISPLAY KIOSKS AND GAS STATION PUMP DISPLAY MONITORS IN CERTAIN ZONES**

**RESOLVED**, that the Town Board hereby declares itself to be Lead Agency for environmental review with respect to a proposed Local Law No. \_\_\_ of 2022, amending Chapter 31C of the Town Code to authorize electric vehicle charging/display kiosks in certain zones; and further determines that such action is an unlisted action pursuant to SEQRA and that the action will not have a significant adverse environmental impact.

6. **ADOPT LOCAL LAW NO. \_\_\_\_ OF 2022, AMENDING CHAPTER 31C OF THE TOWN CODE TO AUTHORIZE ELECTRIC VEHICLE CHARGING/DISPLAY KIOSKS AND GAS STATION PUMP DISPLAY MONITORS IN CERTAIN ZONES**

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby adopts proposed Local Law No. \_\_ of 2022, by amending Chapter 31C of the Town Code to authorize electric vehicle charging/display kiosks in certain zones.

**LOCAL LAW NO. \_\_\_\_ OF 2022 OF THE  
INCORPORATED TOWN OF ORANGETOWN, NEW YORK  
AMENDMENT OF CHAPTER 31C OF THE TOWN CODE TO AUTHORIZE ELECTRIC  
VEHICLE CHARGING/DISPLAY KIOSKS AND GAS STATION PUMP DISPLAY  
MONITORS IN CERTAIN ZONES.**

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

**BOLD TYPE = PROPOSED ADDITIONS**

~~STRIKEOUTS~~ = PROPOSED DELETIONS

Section 1. The Town Board hereby amends § 31C-4 (Definitions) as follows:

**BILLBOARD**

A permanent off-premises outdoor advertising sign erected, maintained or used for the purpose of commercial or noncommercial messages. **EV Charging/Display Kiosks in compliance with Section 31C-8 below and Gas Station Pump Display Monitors in compliance with Section 31C-9 below shall not be considered billboards.**

....

**ELECTRIC VEHICLE (“EV”) CHARGING/DISPLAY KIOSK**

**A combined electric vehicle charging kiosk with internally illuminated LED or other digital display.**

....

**GAS STATION PUMP DISPLAY MONITOR**

**A monitor, video screen or other digital display panel that is a part of or attached to a gasoline service station pump.**

....

**SIGN, ADVERTISING**

A sign that directs attention to a business, commodity, service, entertainment or attraction conducted, sold, offered or existing elsewhere than upon the same lot where such sign is displayed or only incidentally upon such lot. **EV Charging/Display Kiosks in compliance with Section 31C-8 below and Gas Station Pump Display Monitors in compliance with Section 31C-9 below shall not be considered Advertising Signs.**

Section 2. The Town Board hereby amends § 31C-5 (General guidance) as follows:

- C. The signs, devices and installations listed below are prohibited anywhere in the Town of Orangetown.
  - (1) Flashing, moving, animated, digital (except time, date or temperature or, for gas stations, price), or fluttering signs. (Fire departments, school districts, governmental entities, religious institutions, and civic organizations such as the Rotary Club, Lions Club or Chambers of Commerce are exempt from this prohibition). **EV Charging/Display Kiosks in compliance with Section 31C-8 below and Gas Station Pump Display Monitors in compliance with Section 31C-9 below are also exempt from this prohibition.**

Section 3. The Town Board hereby amends Chapter 31C by adding § 31C-8 (EV Charging/Display Kiosks), as follows:

**§ 31C-8 EV Charging/Display Kiosks**

**EV Charging/Display Kiosks are authorized in CC, CO, CS, LI, LIO, LO and OP zones, subject to the following conditions:**

- A. **There shall be a maximum of two (2) EV Charging/Display Kiosks per property.**
- B. **EV Charging/Display Kiosks shall not exceed 22.5 square feet in size and 7.5 feet in height.**
- C. **EV Charging/Display Kiosks display screen shall not exceed nine square feet in size.**
- D. **EV Charging/Display Kiosks shall be equipped with an auto-dimming feature.**
- E. **EV Charging/Display Kiosks shall limit content refresh rates to no more than every eight seconds.**
- F. **EV Charging/Display Kiosks shall be located within 100 feet of the front façade of the business building on the site.**
- G. **EV Charging/Display Kiosks shall be setback a minimum of 70 feet from a public right of way or property line.**

Section 4. The Town Board hereby amends Chapter 31C by adding § 31C-9 (Gas Station Pump Display Monitors), as follows:

**§ 31C-9 Gas Station Pump Display Monitors**

**Gasoline service stations in compliance with the conditional use standards contained in Section 8.6 of the Orangetown Zoning Code may install and utilize one Gas Station Pump Display Monitor per pump. Such Gas Pump Display Monitors shall not exceed four square feet in size.**

Section 5. Effective date.

The provisions of this local law shall take effect immediately upon filing with the Secretary of State.

**7. REAPPOINT CHARLES VEZZETTI / CHAIRMAN / ORANGETOWN SANITATION COMMISSION / 2022 / 1-YEAR TERM**

**RESOLVED**, that CHARLES VEZZETTI is hereby reappointed CHAIRMAN to the Orangetown Sanitation Commission for a 1-year term, commencing January 1, 2022 and expiring on December 31, 2022.

**8. REAPPOINT WILLIAM BECKMANN / MEMBER / ORANGETOWN SANITATION COMMISSION / 2022 / 5-YEAR TERM**

**RESOLVED**, that WILLIAM BECKMANN is hereby reappointed MEMBER to the Orangetown Sanitation Commission for a 5-year term, commencing January 1, 2022 and expiring on December 31, 2026.

**9. REAPPOINT IRENE MCCARTHY / MEMBER / ORANGETOWN BOARD OF ASSESSMENT REVIEW / 5-YEAR TERM**

**RESOLVED**, that IRENE MCCARTHY is hereby reappointed MEMBER to the Orangetown Board of Assessment Review for a 5-year term, commencing January 1, 2022 and expiring on December 31, 2026.

**10. REAPPOINT MICHAEL MANDEL / MEMBER / ORANGETOWN BOARD OF ETHICS / 5-YEAR TERM**

**RESOLVED**, that MICHAEL MANDEL is hereby reappointed MEMBER to the Orangetown Board of Ethics for a 5-year term, commencing January 1, 2022 and expiring on December 31, 2026.

**11. REAPPOINT MICHAEL MANDEL / CHAIRMAN / ORANGETOWN BOARD OF ETHICS / 2022 / 1-YEAR TERM**

**RESOLVED**, that MICHAEL MANDEL is hereby reappointed CHAIRMAN to the Orangetown Board of Ethics for a 1-year term, commencing January 1, 2022 and expiring on December 31, 2022.

**12. REAPPOINT THOMAS HYLAND / MEMBER / ORANGETOWN BOARD OF ETHICS / 4-YEAR TERM**

**RESOLVED**, that THOMAS HYLAND is hereby reappointed MEMBER to the Orangetown Board of Ethics for a 4-year term, commencing January 1, 2022 and expiring on December 31, 2025.

**13. REAPPOINT BETH CAHILL / MEMBER / ORANGETOWN BOARD OF ETHICS / 3-YEAR TERM**

**RESOLVED**, that BETH CAHILL is hereby reappointed MEMBER to the Orangetown Board of Ethics for a 3-year term, commencing January 1, 2022 and expiring on December 31, 2024.

**14. APPOINT / REAPPOINT ORANGETOWN SHADE TREE COMMISSION / 2022 / 1-YEAR TERM**

**RESOLVED**, that the following are hereby reappointed as Members of the Orangetown Shade Tree Commission, for a 1-year term, commencing on January 1, 2022 and expires on December 31, 2022:

Mary Vail (Chairwoman)  
Laurie Peek  
Mary Ellen Le Warn  
Joy Macy

Brian Burns  
Katja Alberino-Rappaport  
T. Paul Bailey  
Liaison: Councilman Jerry Bottari

**15. AUTHORIZE / PURCHASE OF VILLAGE OF SOUTH NYACK EQUIPMENT**

**RESOVLED**, based upon the recommendation of the Director of Finance and the appropriate Department Heads, the Town is hereby authorized to purchase the following equipment from the Village of South Nyack. This equipment will be used to provide services to Orangetown as a whole, but also to assist with the additional responsibilities incurred following the dissolution of the Village on 3/31/2022. The purchase prices are based upon fair market value as determined after review by the Director of Finance and Superintendent of Parks & Recreation, and upon the condition of the equipment.

<b>Trucks</b>	<b>Year</b>	<b>Final</b>
Mason Dump F-550 (29K miles)	2014	\$60,000
Vanguard SC382 StumpGrinder	2020	\$15,000
Ridgid Air Movers (2)	2019	\$1,500
Honda EU 2000i Generator	2017	\$1,000
SCAG Mower	2008	\$3,000
Water Pump/Tank		<u>\$2,500</u>
		\$83,000

**16. APPROVE PROPOSAL / NELSON + POPE ENGINEERING, ARCHITECTURE AND LAND SURVEYING, PLLC / DRAINAGE SYSTEM AND WATER SUPPLY/ SPLASHPAD AT VETERANS MEMORIAL PARK**

**RESOLVED**, that, upon review of three proposals and the recommendation of the Commissioner of DEME, the Town Board hereby approves the proposal from Nelson + Pope Engineering, Architecture and Land Surveying, PLCC, which provided the lowest responsible proposal, to design the drainage system and water supply for the Splash Pad at Veterans Memorial Park at a cost of \$19,800.00 to be charged to Account #H.71110.200.08.

**TOWN ATTORNEY**

**17. AUTHORIZE RETAINER AGREEMENT / KEANE AND BEANE, PC**

**RESOLVED**, on the recommendation of the Town Attorney, approve the retainer of Keane & Beane, P.C. to provide legal services on an as needed basis through December 31, 2022 as may be determined to be necessary and approved by the Town Attorney and Town Supervisor, and as authorized by the Town Board approving expenditure thereon, on the

terms and conditions set forth in a proposed Retainer Agreement, incorporated by reference herein, namely, at the rate of \$275 per hour, with a maximum expenditure of \$10,000.00, and authorize the Supervisor, or her designated representative, to execute a copy thereof.

**18. AUTHORIZE RETAINER AGREEMENT / KEANE & BEANE, PC / ROCKLAND CIDER WORKS / SUPREME COURT ROCKLAND COUNTY INDEX NO. 030197/2022**

**RESOLVED**, that the Town Board authorizes the retention of the firm of Keane & Beane, P.C. to represent the Town in the matter of Rockland Cider Works v. Town of Orangetown, et al, Rockland County Index No. 030197/2022 under the terms and conditions of the retainer agreement provided, upon review and approval of the Town Attorney's Office, and authorizes Keane & Beane, P.C. and institute all appropriate counterclaims for a declaratory judgement and injunctive relief, upholding the interpretation of the Director of OBZPAE that the subject property as not being used in compliance with the Orangetown Code.

**19. APPROVAL OF 2022 CERTIFICATE OF SEWER REGISTRATIONS**

**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 2022 Sewer Work is approved to:

- ◆ Rino Paving & Construction, Inc., 20 Viola Road, Suffern, NY 10901
- ◆ Michael Sasso Plumbing, Inc., P.O. Box 507, New City, NY 10956
- ◆ Victor P. Zugibe, Inc., 66 Railroad Avenue, Garnerville, NY 10923

**20. ACCEPT ASSIGNMENT AND ASSUMPTION OF CONTRACT / SOUTH NYACK COMMUNITY CHOICE AGGREGATON PROGRAM / JOULE / CONSTELLATION**

**RESOLVED**, the Town Board hereby accepts an Assignment and Assumption of Agreement of the Community Choice Aggregation Electricity Supply Agreement dated September 16, 2020 between the Village of South Nyack, Joule Assets, Inc. and Constellation New Energy Inc., effective as of March 31, 2022, for properties located within the area that comprises the Village of South Nyack, which properties will be part of the unincorporated part of the Town as of the dissolution of the Village of South Nyack on March 31, 2022, and authorizes the Supervisor or her designee to execute the Assignment and Assumption Agreement.

**POLICE**

**21. APPOINT / MAX PARK / TEMPORARY POLICE OFFICER / RESIDENT TOWN OF ORANGETOWN**

**RESOLVED**, that upon the recommendation of the Chief of Police, and with the understanding that he will need to successfully complete the DCJS Basic Police Officer Phase 2 training program at the Rockland County Police & Public Safety Academy in order to receive a permanent appointment, appoint, Max Park from Rockland County Civil Service List

# 21033/67-540 to the position of "Temporary Police Officer/Resident Town of Orangetown". This appointment will be effective March 14, 2022, for the sole purpose of allowing him to attend Phase 2 of the DCJS Basic Police Officer training program at a salary consistent with the labor agreement between the Town of Orangetown and the Orangetown PBA.

## **HIGHWAY**

### **22. APPROVE / GRANT PERMISSION / HIGHWAY SCHOOL / JUNE 6-8, 2022**

**RESOLVED**, that permission is hereby granted for the following personnel: Jim Dean, Stephen F. Munno, Anthony Limandri & Karl Bohn, to attend the 2022 Association of Towns Annual Highway School, Ithaca, NY, from June 6-8, 2022, with the Town paying \$1,739.00 which includes the cost of courses and travel to be charged to appropriate departmental accounts.

### **23. APPROVE / 2022 HIGHWAY DEPARTMENT OPEN HOUSE / SATURDAY, MAY 14, 2022**

**RESOLVED**, upon the recommendation from the Superintendent of Highways, that the Town Board hereby authorizes the Town of Orangetown Highway Department to host their 26th Annual Open House on Saturday, May 14, 2022, from 10 am to 12 pm, to be held at the Highway Department Facility, located at 119 Route 303, Orangeburg, NY.

## **PARKS AND RECREATION**

### **24. APPROVE / LEND AID /20229 AMERICAN CANCER SOCIETY RELAY FOR LIFE / SATURDAY, JUNE 11, 2022**

**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 \$500.00 by the American Cancer Society for their Relay for Life, Saturday, June 11, 2022, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

**RESOLVED**, upon the completion of all necessary paperwork, the Superintendent of Parks & Recreation has forwarded for approval by the Town Board the rental of Portable Toilets (3 regular units, 1 ADA unit) for the American Cancer Society Relay for Life, Saturday, June 11, 2022.

### **25. APPROVE / LEND AID / 2022 COMMEMORATION OF THE 80TH ANNIVERSARY OF THE BATAAN DEATH MARCH / SATURDAY, APRIL 9, 2022**

**RESOLVED**, that 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 \$500.00 by the Philippine-American Cultural Foundation for their Commemoration of the 80th Anniversary of the Bataan Death March, Saturday, April 9, 2022, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

**RESOLVED**, upon the completion of all necessary paperwork, the Superintendent of Parks & Recreation has forwarded for approval by the Town Board the rental of Portable Toilets (6



regular units 2 ADA units) for the Philippine-American Cultural Foundation's Commemoration of the 80th Anniversary of the Bataan Death March, Saturday, April 9, 2022.

**26. AWARD BID / HVAC SERVICE / JOE LOMBARDO PLUMBING AND HEATING**

**RESOLVED**, that upon the recommendation of the Superintendent of Parks and Recreation, award the bid for Heating and Air Conditioning Service to Joe Lombardo Plumbing & Heating of Suffern, NY at an annual cost of \$16,200.00.

**TOWN CLERK**

**27. ACCEPT / RECEIVE / FILE DOCUMENTS / TOWN CLERK'S OFFICE**

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

1. Town Board Meeting minutes: 2/1/2022 Police Commission; 2/1/2022 & 2/15/2022 RTBM; and 2/28/2022 STBM.
2. Agreements:
  - ◆ Blauvelt Volunteer Fire Company, Inc for Fire Protection Services.
  - ◆ Nyack Union Free School for SRO (Nyack Middle School).
  - ◆ James Acheson for 2021-2022 Police Captain.
  - ◆ GOGOV, Citizen Notifications & Alerts
  - ◆ Hudson Valley Humane Society, Prevention of Cruelty to Animals

**AUDIT**

**28. PAY VOUCHERS**

**RESOLVED**, upon the recommendation of the Director of Finance, Jeffrey Bencik, the Finance Office is hereby authorized to pay vouchers for a total amount of five (5) warrants (attached) for a total of **\$2,133,275.35**.

**EXECUTIVE SESSION**

**29. ENTER EXECUTIVE SESSION**

**RESOLVED**, at \_\_\_\_\_ pm, the Town Board entered Executive Session to discuss\_\_\_\_\_.

**ADJOURNMENTS**

**30. RE-ENTER RTBM / ADJOURNED / MEMORY**

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