



## TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday March 21, 2023

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:

- ◆ Public Hearing to Adopt the Orangetown Comprehensive Plan / April 11, 2023
- ◆ Orangetown Shredding Event - Saturday, April 15, 2023 / 8:00 a.m. - 11:30 a.m. Hosted by Orangetown Town Clerk Rosanna Sfraga, Rockland Green and People to People

### DISCUSSION:

- ◆ Workshop of Agenda Items
- ◆ Petition for Zone Change to Residential Property for 175 E. Washington Avenue, Pearl River, NY

### 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 / RTBM MARCH 21, 2023 AT 7:05 P.M. / ADOPTION OF A LOCAL LAW TO ESTABLISH A NEW CHAPTER 16 OF THE CODE OF THE TOWN OF ORANGETOWN TO BE ENTITLED "FOOD TRUCKS"**

**RESOLVED**, that the Public Hearing regarding the Adoption of a Local Law to establish a new Chapter 16 of the Code of the Town of Orangetown to be entitled "Food Trucks" is hereby opened.

**PRESENTATION** of Affidavit of Public Hearing position and publication.

**SUMMARY OF COMMENTS:**

- 4. CLOSE OR CONTINUE PUBLIC HEARING / ADOPTION OF A LOCAL LAW TO ESTABLISH A NEW CHAPTER 16 OF THE CODE OF THE TOWN OF ORANGETOWN TO BE ENTITLED "FOOD TRUCKS"**

**RESOLVED**, that the Public Hearing regarding the Adoption of a Local Law to establish a new Chapter 16 of the Code of the Town of Orangetown to be entitled "Food Trucks" is hereby closed or continued to \_\_\_\_\_.

- 5. SEQRA LEAD AGENCY / LOCAL LAW TO ESTABLISH A NEW CHAPTER 16 OF THE CODE OF THE TOWN OF ORANGETOWN TO BE ENTITLED "FOOD TRUCKS"**

**RESOLVED**, since there are no other Involved Agencies under the State Environmental Quality Review Act (SEQRA), the Town Board hereby declares itself to be the SEQRA Lead Agency for proposed local law to establish a new Chapter 16 of the Code of the Town of Orangetown to be entitled "Food Trucks."

- 6. ADOPT LOCAL LAW #\_\_\_ 2023/ ESTABLISHING CHAPTER 16 TOWN CODE / FOOD TRUCKS**

**WHEREAS**, on February 21, 2023 the Town Board adopted a resolution which scheduled a public hearing for local law to amend the Town Code by adding a new Chapter 16, to be entitled "Food Trucks" and upon notice duly published and posted a public hearing that was held on March 16, 2023, and

**WHEREAS**, the Town Board having previously declaring its intention to serve as Lead Agency pursuant to the New York State Environmental Quality Review Act (SEQRA), and

**WHEREAS**, public discussion was heard at such hearing concerning the merits and environmental significance of said introductory local law; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby declares itself to be Lead Agency under the New York State Environmental Quality Review Act, and finds that the adoption of the Local Law to add new Chapter to the Town Code, Chapter 16, to be

entitled "Food Trucks" as more fully set forth therein, is a SEQR Type II action and is hereby determined not to have a significant adverse effect on the environment

**BE IT FURTHER RESOLVED**, that the Town Board hereby adopts Local Law #\_\_\_\_ of 2023 adding a new Chapter 16 to the Town Code of the Town of Orangetown entitled "Food Trucks", by adding a new providing for regulation of Food Trucks in the Town of Orangetown, as set forth more fully therein.

7. **RESUME PUBLIC HEARING / RTBM MARCH 21, 2023 AT 7:10 PM / PROPOSED ACQUISITION OF A PERMANENT PROPERTY INTEREST / HNA TRAINING CENTER / 334 ROUTE 9W, ORANGETOWN, NY**

**RESOLVED**, that the Public Hearing regarding the Proposed Acquisition of a Permanent Property Interest / HNA TRAINING CENTER / 334 TOUTE 9W, ORANGETOWN, NY is hereby resumed.

8. **CLOSE OR CONTINUE PUBLIC HEARING / RTBM MARCH 21, 2023 AT 7:10 PM / PROPOSED ACQUISITION OF A PERMANENT PROPERTY INTEREST / HNA TRAINING CENTER / 334 ROUTE 9W, ORANGETOWN, NY**

**RESOLVED**, that the Public Hearing regarding the Proposed Acquisition of a Permanent Property Interest / HNA TRAINING CENTER / 334 Route 9W, Orangetown, NY is hereby closed or continued to \_\_\_\_\_.

9. **ACCEPT GRANT AWARD / NEW YORK STATE ARCHIVES (STATE ARCHIVES) 2022-2023 LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND (LGRMIF) / BUILDING DEPARTMENT DOCUMENT CONVERSION & ACCESS PROJECT**

**WHEREAS**, pursuant to an email dated June 28, 2022, the Town of Orangetown has been approved by New York State Archives to receive a Local Government Records Management Improvement Fund (LGRMIF) grant, Project #0580239555, in the amount of \$74,793.00 for the Building Department Document Conversion & Access Project, and

**WHEREAS**, the Building Department has a backlog of aging historical building records stored in hard-to-reach and unsafe conditions in addition to the added responsibility of managing South Nyack's newly acquired records, and

**WHEREAS**, the Town Board has demonstrated municipal support for the project through the allocation of 2022 budget items to support Orangetown Records Management program and the hiring of two part-time assistant clerks to assist with document preparation for consultant, not to exceed \$15,000,

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby agrees to accept the NYS Archives LGRMIF grant in the amount of \$74,793.00 and authorizes the Supervisor or her designee to execute all documents necessary for the implementation of this work relating to the financial and/or administrative processes of the grant program.

**10. AUTHORIZE LOTHROP ASSOCIATES TO PREPARE SECOND FLOOR PLAN REVISIONS AND MISCELLANEOUS MILLWORK REVISIONS**

**WHEREAS**, pursuant to Town Board Resolution No. 743 of 2018, the Town Board authorized the Town Clerk to issue a Request for Proposal (RFP) for Architectural Engineering and Space Planning Services, for the purpose of receiving bids to provide design plans and consultation for a proposed Town Hall, subject to final approval of appropriate Town department heads, and

**WHEREAS**, such services are for professional services and not subject to the competitive bidding requirements of NY General Municipal Law §103 and

**WHEREAS**, on July 9, 2019, via Town Board Resolution 2019-346 the Town Board accepted a proposal from Lothrop Associates to provide Architectural, Engineering and Space Planning Services, and

**WHEREAS**, Lothrop Associates has been working with the Town on the plans for the new Town Hall and the Town has determined that additional services are needed for revisions to the second floor Finance Department, Supervisor's Office and Various Millwork revisions on the first and second floors.

**WHEREAS**, Lothrop Associates, which has provided extensive services including but not limited to plans, drawings, and administrative services related to the construction bid process with respect to the New Town Hall addition, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby accepts a proposal from Lothrop Associates to provide additional services to the Town as part of the new Town Hall project, specifically the proposal to provide architectural and engineering services to prepare plans, bidding and construction phase services for second floor plan revisions and miscellaneous millwork revisions, in the amount of \$8,000, and

**BE IT FURTHER RESOLVED**, that the Supervisor and/or her designee is authorized to execute the agreement as necessary to effectuate this resolution, upon approval by the Town Attorney's Office.

**TOWN ATTORNEY**

**11. APPROVE / AUTHORIZE TOWN ATTORNEY TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING JOHN PALLADINO V. THE ASSESSOR, ETC., ET AL. (65.15-1-1)**

**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 John Palladino v. The Assessor, etc., et al., tax map designation 65.15-1-1 (636 N. Greenbush Road), for the tax assessment years 2012 - 2015 for a total refund by the County of \$6,382, a total refund by the Town of \$2,294, and a total refund by the School District of \$20,393. 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.

**12. APPROVAL OF 2023 CERTIFICATE OF SEWER REGISTRATION**

**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 2023 Sewer Work is approved to:

- American Field Services, Inc., 149 Main Street, Suite E, Nanuet, NY 10954

**HIGHWAY**

**13. AWARD BID / TRIUS INC. / ONE (1) NEW HEAVY DUTY POWER REVERSIBLE END LOADER PLOW**

**RESOLVED**, upon the recommendation of the Superintendent of Highways, award the bid for One (1) New Heavy Duty Power Reversible End Loader Plow to Trius, Inc., Bohemia, New York, in the amount of \$37,887.00 to be charged to account # H.5130.200.08.

**14. APPROVE COMPRESSED TEN HOUR WEEK / EMPLOYEES OF THE ORANGETOWN HIGHWAY DEPARTMENT / APRIL 10, 2023 - OCTOBER 8, 2023**

**RESOLVED**, upon the recommendation from the Superintendent of Highways, that the Town Board hereby approve a change to the work week for the employees of OHD, from Monday thru Friday, 6:30 am – 3:00 pm, to Monday to Thursday / Tuesday to Friday, from 6:30 am – 4:30 pm. In accordance with Article 5, Section 5.2.2 of the Collective Bargaining Agreement, this compressed workweek schedule shall be in place starting on Monday, April 10, 2023, and concluding on Friday, October 8, 2023.

**15. RENAME PRIVATE RIGHT OF WAY / PATHWAY OF HEROES, TAPPAN**

**RESOLVED**, that upon the recommendation of Superintendent of Highways and with review and approval by Rockland County Office of Fire & Emergency Services and the Town Attorney's Office, request by residents of Western Highway, Tappan, to rename private right of way, Pathway of Heroes, private road-is hereby approved, and be it

**RESOLVED FURTHER**, that the Orangetown Highway Department is hereby authorized to install the road signs.

**16. RENAME PRIVATE RIGHT OF WAY / CAMP SHANKS DRIVE, TAPPAN**

**RESOLVED**, that upon recommendation of Superintendent of Highways and with review and approval by Rockland County Office of Fire & Emergency Services and the Town Attorney's Office, request by residents of Western Highway, Tappan, to rename private right of way- Camp Shanks Drive, private road - is hereby approved, and be it.

**RESOLVED FURTHER**, that the Orangetown Highway Department is hereby authorized to install the road signs.

**17. GRANT PERMISSION / JAMES J. DEAN / APWA NORTH AMERICAN SNOW CONFERENCE / OMAHA, NEBRASKA**

**RESOLVED**, that permission is hereby granted to James J. Dean to attend the American Public Works Association's "North American Snow Conference", Omaha, Nebraska from April 15-19, 2023, at a total cost of \$2,256.81, charged to Account No. D.5142.457.05.

**RESOLVED FURTHER**, that James J. Dean is hereby authorized to attend the American Public Works Association's "North American Snow Conference", Omaha, Nebraska from April 15-19, 2023.

**18. GRANT PERMISSION / HIGHWAY STEPHEN F. MUNNO / APWA 2023 NORTH AMERICAN SNOW CONFERENCE / OMAHA, NEBRASKA**

**RESOLVED**, that permission is hereby granted to Stephen F. Munno, Sr. Administrative Assistant, to attend the American Public Works Association's "North American Snow Conference", Omaha, Nebraska from April 15-19, 2023, at no cost to the town.

**RESOLVED FURTHER**, that Stephen F. Munno is hereby authorized to attend the American Public Works Association's "North American Snow Conference", Omaha, Nebraska from April 15-19, 2023.

**19. APPROVE SUPPLEMENT AGREEMENT / HUDSON VALLEY ENGINEERING ASSOCIATES (HVEA) / EXTENDED CONSTRUCTION INSPECTION SERVICES / NORTH MIDDLETOWN ROAD PEDESTRIAN CORRIDOR LINK PROJECT**

**RESOLVED**, the Town Board hereby authorizes James J. Dean, Superintendent of Highways, to sign the Supplemental Agreement with HVEA to cover additional expenses for Construction Inspection Services in the amount of \$48,247.49 caused by an extended construction timeframe during the North Middletown Road Pedestrian Corridor Link Project, and the agreement is to be filed in the Town Clerk's Office.

**20. APPROVE CORNELL UNIVERSITY LOCAL ROADS PROGRAM / PETER BLICKLEY / MARCH 30, 2023, APRIL 06, 2023 AND MAY 09, 2023**

**RESOLVED**, upon the recommendation from the Superintendent of Highways, that the Town Board hereby approves Peter Blickley, Highway Department, to attend 3 classes through Cornell Local Roads on the above dates at a cost of \$150.00, charged to Account Number D.5110.457.04.

**21. APPROVE CORNELL UNIVERSITY LOCAL ROADS PROGRAM / CHRISTOPHER COYLE / APRIL 06, 2023 AND MAY 09, 2023**

**RESOLVED**, upon the recommendation from the Superintendent of Highways, that the Town Board hereby approves Christopher Coyle, Highway Department, to attend 2 classes through Cornell Local Roads on the above dates at a cost of \$100.00, charged to Account Number D.5110.457.04.

## **POLICE**

### **22. APPROVE / INTERMUNICIPAL AGREEMENT WITH ROCKLAND COUNTY / REIMBURSEMENT OF CRIMINAL JUSTICE DISCOVERY ACT**

**WHEREAS**, Rockland County, through the District Attorney's Office, in an effort to provide financial assistance to local law enforcement and make a disbursement of grant funds from the Criminal Justice Discovery Grant to the Town for reimbursement of expenditures by the Town Police Department to comply with recently adopted changes to the discovery laws in the State of New York, and

**WHEREAS**, the County of Rockland, pursuant to its Resolution No. 583 of 2022 has authorized the County Executive to execute an Intermunicipal Agreement to reimburse the Town of Orangetown in the amount of \$34,146.74 for expenses related to compliance with the Criminal Justice Discovery Act, for the period covering April 1, 2022 through March 31, 2023.

**WHEREAS**, Article 5-G of the General Municipal Law authorizes municipal governments to perform together that which each government is authorized to perform individually and requires that any inter- municipal agreement be approved by each participating municipal corporation by a majority vote of its governing body, and

**WHEREAS**, the Town Board finds and determines that such agreement and reimbursement for training is in the best interests of the good and welfare of the Town in the operations of its governmental functions,

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board hereby approves entering into the Inter- municipal Agreement between the Town of Orangetown and County of Rockland as set forth in the County's Resolution No 583 of 2022 with respect to the reimbursement of the sum of \$34,146.74 for reimbursement of expenses related to the Criminal Justice Discovery Act and grant related thereto, and authorizes the Supervisor to execute the aforesaid Inter-municipal Agreement and any and all documents necessary to effectuate same.

## **BUILDING**

### **23. ADOPT ROCKLAND COUNTY APPROVED / TOWN OF ORANGETOWN ZONING MAP / REVISED MARCH 2023**

**RESOLVED**, that upon the recommendation of the Director of OBZPAE, the Town Board hereby accepts and adopts Town of Orangetown Zoning Map, approved and revised by the Rockland County Planning Department in March 2023.

### **24. APPROVE FLEXIBLE WORK SCHEDULE / OBZPAE / APRIL 10, 2023 - OCTOBER 8, 2023**

**RESOLVED**, upon the recommendation of the Director of OBZPAE, approve a change to the basic work week for the employees of OBZPAE, from Monday to Friday, 8 am to 4 pm, to a four day work week (Monday to Thursday/Tuesday to Friday), 7:30 am to 5:15 pm. This flexible work schedule shall be in place from April 10, 2023 to October 8, 2023. In

accordance with Section 5.1.2 of the Collective Bargaining Agreement, the Town Board has the sole responsibility for establishing flexible hour schedules.

## **LEND ASSISTANCE**

### **25. COMBINE / APPROVE AGENDA ITEMS #26 TO 27**

**RESOLVED**, the Town Board hereby combines and approves agenda items #26 to 27.

### **26. APPROVE/ LEND ASSISTANCE/ 2023 PEARL RIVER MEMORIAL DAY PARADE**

**RESOLVED**, that upon the recommendation of the Superintendent of Highways and the Chief of Police, that the Town Board hereby authorizes the above departments to lend assistance which includes the use of barricades, from the Highway Department and bagging of the parking meters, and auxiliary police detail from the Police Department, for the Pearl River Memorial Day Parade to be held on Monday, May 29, 2023 from 9:45 am - 11:45 am.

### **27. APPROVE / LEND ASSISTANCE / TAPPAN REFORMED CHURCH SPRING FLING / SATURDAY, MAY 13, 2023**

**RESOLVED**, the Superintendent of Highway and the Chief of Police have forwarded for approval by the Town Board the use of barricades, and a message board from the Highway Department and Auxiliary Police detail from OPD for the Tappan Reformed Church Spring Fling on Saturday, May 13, 2023.

## **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 two (2) warrants (attached) for a total of **\$2,607,982.98**.

## **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:

- ❖ **Samuel Colman**, *Retired Rockland County Legislator, NYS Assemblyman and Ramapo Town Justice*
- ❖ **Sandra Colodner**, *Resident of Pearl River for over 66 years.*
- ❖ **Robert Emmett Daly**, *Father of Retired Orangetown Employee Michael Daly*
- ❖ **Patrick Joseph Haughey**, *Resident of Blauvelt*
- ❖ **Karen Jahnes**, *Resident of Blauvelt and Retired Orangetown Highway Department Employee for 36 years*
- ❖ **Mary "Moir" Reilly**, *Resident of Blauvelt and Mother to Orangetown Employee Carmel Reilly*