

**TOWN OF ORANGETOWN  
REGULARY TOWN BOARD MEETING MINUTES  
March 21, 2023**

This meeting was opened at 7:00 PM. Supervisor Teresa M. Kenny presided and Rosanna Sfraga, Town Clerk, called the roll.

Present were:  
Councilperson Thomas Diviny  
Councilperson Paul Valentine  
Councilperson Jerry Bottari  
Supervisor Teresa M. Kenny  
Councilperson Brian Donohue

Also Present:  
Denis Troy, Deputy Supervisor  
Allison Kardon, Supervisor's Confidential Assistant  
Carmel Reilly, Director of Economic Development & Tourism  
Rosanna Sfraga, Town Clerk  
Robert Magrino, Town Attorney  
Jeff Bencik, Finance Director  
James Dean, Superintendent of Highways  
Jane Slavin, Director of OBZPAE  
Eamon Reilly, Commissioner of DEME  
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.  
Bob Urban, Human Resource Coordinator  
Brendon Carton, IT Department  
Donald Butterworth, Police Chief

**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:**

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

**RESOLUTION NO. 170  
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.

**RESOLUTION NO. 170 - Continued**

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Summary of Public Comments:

David Cooper, Zarin & Steinmetz, LLP, said the parties are close to an agreement and the courts has to approve it. He suggested to continue this public hearing.

**RESOLUTION NO. 171**

**CONTINUE PUBLIC HEARING / 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 continued to April 25, 2023 at 7:05 pm.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 172**

**OPEN 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 opened.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Rosanna Sfraga, Town Clerk presented the Affidavits of Publication and Postings and the proposed local law; which are labeled Exhibit 03-21-E and made a part of these minutes.

Summary of Public Comments:

AJ Servidio, Gracie's Bulldog Grille Food Truck; Lorenzo Deraw, Blauvelt; Joe Agnello, NOCO Hot Box Food Truck; Jim Linekin, Rockland's Kettle Corn; are opposed to this local law. They understand there should be some regulations but this is overkill, especially time limits and advance 10-day notice. They suggested to form a committee to advise the Town.

Susan McWhinney, Orangeburg, supports one-day events/parties in residential areas and would like there be a 1,000 ft buffer.

Joyce Taub, W. Nyack, agrees regulations are needed, except for parties in residential areas and is opposed to Food Trucks at RCW.

## Summary of Public Comments (Food Trucks): - Continued

Sharon Van Houten, Orangeburg, loves food trucks. She is in favor of a committee. There should be different regulations for food trucks coming from outside of Orangetown. The trucks should not be in a residential area, except for parties.

Gerry Goggin, Orangeburg, believes the proposed ordinance needs more work and he would like to serve on the committee.

Sean & Marcy, Pony Express Ice Cream Truck, are not sure whether they fall under Food Trucks or Hawking & Peddling.

**RESOLUTION NO. 173****CLOSE 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.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 174****OPEN PUBLIC COMMENT PORTION**

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

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

## Summary of Public Comments:

Joyce Taub, W. Nyack, is opposed to RCW and spoke about the recent social media post. Sharon Van Houten, Orangeburg, is heart broken over how her family is being treated by RCW and the Town. She spoke about the recent post from RCW and believes RCW has bullied / threaten the Town and residents.

Tom Reynolds, Orangeburg, is opposed to RCW and spoke about RCW's strong hostile recent post. He requested Police presence be increased. Van Houten Farm is a retail nursery and a large bar & entertainment center does not belong in a residential area.

Faith Custer, Orangeburg, is concerned for the horses at Silver Rock Farm with the very loud music from RCW. The post attacked and threaten individual neighbors. It's disappointing that a legitimate policy debate is publicly cast as a personal vendetta and it further demonstrates a disregard for the laws.

Susan McWhinney, Orangeburg, again stated that RCW has disregard for the Town's Zoning Codes and neighbors' quality of life.

Gerry Goggins, Orangeburg, said, RCW has been shut-down by the courts. The recent media post has caused a hostile environment and he requested the Town Board to allow the current lawsuit run its course.

Eileen & Elias Liatsis, Pearl River, see their email (Exhibit 03-21-F)

**RESOLUTION NO. 175  
CLOSE PUBLIC COMMENT PORTION**

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

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 176  
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.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 177  
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

**RESOLUTION NO. 177 - Continued**

**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.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 178**

**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.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 179**

**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

**RESOLUTION NO. 179 - Continued**

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 180****AWARD BID / TRIUS INC. / ONE (1) NEW HEAVY-DUTY POWER REVERSIBLE END LOADER PLOW**

**WHEREAS**, the Superintendent of Highways duly advertised for sealed bids for One (1) New Heavy-Duty Power Reversible End Loader Plow, which were received and publicly opened on March 2, 2023; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 03-21-G, and made a part of these minutes. Now, Therefore, Be It

**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.

**BE IT FURTHER RESOLVED**, that the Supervisor or her designee is authorized to enter into an agreement with Trius Inc., in accordance with the bid award and terms of this resolution, subject to review and approval of the Town Attorney's Office.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5- 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 181****APPROVE COMPRESSED TEN-HOUR WEEK / EMPLOYEES OF THE 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.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 182****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

**RESOLUTION NO. 182 - Continued**

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

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 183**

**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.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 184**

**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.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 185**

**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.

**RESOLUTION NO. 185 - Continued**

**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.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 186**

**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.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 187**

**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.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 188**

**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.



**RESOLUTION NO. 188 - Continued**

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 189  
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.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 190  
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.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 191  
FLEXIBLE WORK SCHEDULE / OBZPAE / APRIL 10<sup>th</sup> - 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.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 192  
COMBINE / APPROVE AGENDA ITEMS #26 TO #27**

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

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 193  
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.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 194  
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.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 195  
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**.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 196  
ENTER EXECUTIVE SESSION**

In attendance, at this Executive Session were Supervisor Kenny, Councilpersons Tom Diviny, Paul Valentine, Jerry Bottari and Brian Donohue, Denis Troy, Rob Magrino, and Jeff Bencik.

**RESOLVED**, at 8:33 pm, the Town Board entered Executive Session to discuss personnel matters and land sale.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 197  
RE-ENTER RTBM / ADJOURNED / MEMORY**

**RESOLVED**, at 9:45 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*; and **Mary "Moira" Reilly**, *Resident of Blauvelt and Mother to Orangetown Employee Carmel Reilly*.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

  
\_\_\_\_\_  
**Rosanna Sfraga, Town Clerk**



Town of Orangetown

DATE: March 21, 2023

WARRANT

Warrant Reference	Warrant #	Amount
Approved for payment in the amount of		
	030923	\$ 373,885.48
	032123	\$ 2,234,097.50
		\$ 2,607,982.98

The above listed claims are approved and ordered paid from the appropriations indicated.

APPROVAL FOR PAYMENT

AUDITING BOARD

Councilman Gerald Bottari

Councilman Paul Valentine

Councilman Thomas Diviny

Councilman Brian Donohue

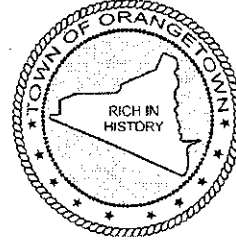
Supervisor Teresa M. Kenny

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**TOWN OF ORANGETOWN  
FINANCE OFFICE MEMORANDUM**

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**TO:** THE TOWN BOARD  
**FROM:** JEFF BENCIK, *DIRECTOR OF FINANCE*  
**SUBJECT:** AUDIT MEMO  
**DATE:** 3/16/2023  
**CC:** DEPARTMENT HEADS



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The audit for the Town Board Meeting of 3/16/2023 consists of 2 warrants for a total of \$2,607,982.98.

The first warrant had 53 vouchers for \$373,885 and was for utilities.

The second warrant had 147 vouchers for \$2,234,097 and had the following items of interest.

1. A+ Technology & Service (p1) - \$45,474 for IT equipment for new Town Hall.
2. Fred Devens Construction (p19) - \$18,596 for retainage return.
3. Glenco Supply (p20) - \$5,546 for Highway supplies.
4. Global Montello (p21) - \$48,417 for fuel.
5. Goosetown Enterprises (p21) - \$7,925 for police equipment leases.
6. Helmke Industries (p24) - \$8,790 for OHA snow removal.
7. IEH Auto Parts LLC (p28) - \$6,540 for various auto and mower parts.
8. Jack Doheny Companies (p29) - \$18,287 for repairs to sewer vehicles.
9. Joe Lombardo Plumbing & Heating (p22) - \$168,438 for new town hall plumbing.
10. McClintock Enterprises (p32) - \$15,928 for doc scanner equipment.
11. Morano Brothers (p34) - \$154,058 for N. Middletown Rd. project.
12. NYS Dept. of Civil Service (p36) - \$958,841 for healthcare costs.
13. S&L Plumbing & Heating (p41) - \$249,137 for new town hall HVAC.
14. SOS Fuels (p42) - \$6,107 for heating oil.
15. The Actuarial Advantage (p47) - \$7,000 for actuarial services.
16. Traffic Logix (p48) - \$11,260 for Highway equipment.

17. Tymetal Corp. (p50) - \$13,648 for Highway materials.
18. Vanas Construction (p50) - \$518,296 for GC work on new town hall.
19. Zarin & Steinmetz (p53) - \$23,442 for outside counsel.

Please feel free to contact me with any questions or comments.

Jeffrey W. Bencik, CFA

845-359-5100 x2204

EXHIBIT  
03-21-E

STATE OF NEW YORK }  
COUNTY OF ROCKLAND }  
TOWN OF ORANGETOWN }

SS.

Rosanna Sfraga being duly sworn upon her oath deposes and says;

That, she is, at all times, hereinafter mentioned was, duly elected, Qualified and acting Town Clerk of the **TOWN Of ORANGETOWN**, in the County of Rockland, State of New York.

That, on the 2<sup>nd</sup> day, March, 2023, she caused to be conspicuously posted and fastened up a notice, a true copy of which is annexed hereto and made a part of hereof, in the following places, at least one of which is a public place within the **TOWN Of ORANGETOWN**, New York.

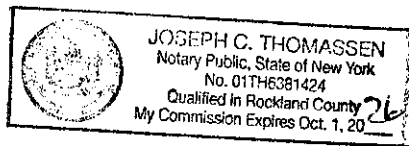
1. Town Hall Bulletin Boards
2. Town's Website (www.orangetown.com)
- 3.
- 4.
- 5.



Rosanna Sfraga, Town Clerk

Subscribed and sworn to before me

This 2<sup>nd</sup> day of March, 2023





**TOWN OF ORANGETOWN  
NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that pursuant to a resolution of the Town Board of the Town of Orangetown, duly adopted at a meeting held February 7, 2023, a public hearing will be held by the Town Board on a proposed Local Law, to establish a new Chapter 16, Food Trucks, of the Town Code. This public hearing is scheduled for the 21<sup>st</sup> day of March, 2023 at 7:05 pm, Orangetown Town Hall, 26 W Orangeburg Rd, Orangeburg, NY.

At the time and place of the public hearing specified above, all interested persons will be given the opportunity to be heard.

By order of the Town Board of the Town of Orangetown.

Dated: February 27, 2023

Rosanna Sfraga, Town Clerk  
Robert Magrino, Town Attorney

**LOCAL LAW NO. \_\_\_\_\_ OF 2023,  
TO ESTABLISH A NEW CHAPTER 16  
OF THE CODE OF THE TOWN OF ORANGETOWN (“ORANGETOWN CODE”)  
TO BE ENTITLED “FOOD TRUCKS.”**

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

**Section 1. Recitals and Legislative Intent**

Notwithstanding the provisions contained in Chapter 18, entitled Hawking and Peddling, of the Code of the Town of Orangetown (“Orangetown”), regulating soliciting, vending, hawking and peddling within Orangetown, it is hereby found and determined that a limited number of permits for mobile food vendors, i.e., “food trucks,” should be allowed to provide the residents and visitors to Orangetown additional options for dining and the purchase of edible commodities, irrespective of the regulations of Chapter 18. It is further found and determined that, in an effort to protect the health, safety and welfare of the residents and the consuming public, the operation of food trucks should be limited to a relatively small number, with the food truck permits being granted on a periodic basis, the operation of which should be further regulated to ensure adequate location, accommodation and safe operation.

**Section 2. Adoption of new Chapter 16 entitled “Food Trucks”**

A new Chapter 16 is hereby inserted into the Code of the Town of Orangetown (“Orangetown Code”) to read as follows:

**Chapter 16. Food Trucks.**

**§16-1. Purpose.**

The purpose of this Chapter is to regulate food trucks within the Town of Orangetown (“Orangetown”) in a manner that protects the public health, safety and welfare, and this Chapter describes the permitting procedures for food trucks, and is intended to operate in conjunction with the regulations of Chapter 43, entitled “Zoning,” of the Code of the Town of Orangetown (“Orangetown Code”); however, if there should be a conflict or inconsistency between the provisions of this Chapter and Chapter 43, the provisions of this Chapter shall control and govern.

**§16-2. Definitions.**

The following terms shall, for the purposes of this Chapter, have the meanings described in this Section:

**FOOD TRUCK**

A self-contained mobile food and/or beverage service operation located in an easily movable motor vehicle, cart, stand or trailer (“vehicle”), within, and from which, ready-to-eat food and/or beverages for human consumption are prepared, cooked, wrapped, packaged, processed or portioned, and sold, purveyed, dispensed or distributed, in individual portions to the general public, for consumption on or off of the premises at which the vehicle is located, which vehicle may be self-propelled, or towed or pushed by another vehicle or person.

## **FOOD TRUCK OPERATOR**

Any one of the following is a food truck operator, which may be a natural person, a business entity, a company, an association and/or an organization (“person or entity”): (i) the owner(s) of the food truck; (ii) the owner(s) of the business, or food/beverage service establishment, operating out of the food truck; and/or (iii) any person or entity exercising dominion and control over the food truck. A food truck operator may also be referred to in this Chapter as, and includes, a person or entity that operates a food truck.

### **§16-3. Permit required.**

- A. It shall be unlawful for any person or entity to operate a food truck within Orangetown without having obtained a Food Truck Permit for such purpose in accordance with the provisions of this Chapter.
- B. Any person or entity desiring to operate a food truck shall submit a written application for a Food Truck Permit, at least 10 business days prior to event, which shall be signed and notarized with an attestation of truth and accuracy, to the Orangetown Office of Building, Zoning and Planning Administration and Enforcement (“OBZPAE”); which application shall be made on forms provided by OBZPAE, and shall include the information and documentation required by this Chapter, and any additional information or documentation that the Director of OBZPAE and/or an Orangetown Fire Inspector may reasonably require in her/his discretion within the purpose, intent and spirit of this Chapter, in addition to the following items:
- (1). Full legal name, preferred contact phone number and email address, home street address, and the business’s street address and mailing address (if different), of the food truck operator(s), as defined in this Chapter.
  - (2). A description and photograph of the food truck, including, if the food truck is a motor vehicle, the license plate and registration number, VIN number, and the year, make and model, of the motor vehicle, and its dimensions (length and width).
  - (3). A valid copy of the County of Rockland (“County”) Health Department mobile food service establishment and/or foodcart permit, if such a permit is required by the County (“County permit”).
  - (4). The street address of the private property at which the food truck will be located; and the private property owner’s full legal name, whether a person or entity, preferred contact phone number and email address, and street address and mailing address (if different); and, if the private property owner is an entity rather than a natural person, then the full legal name, preferred contact phone number and email address, and street address and mailing address (if different), of the principal of the entity is also required.
  - (5). A signed and notarized owner consent form from the private property owner authorizing, consenting and allowing the location of the food truck on the property.
  - (6). A sketch site plan, which shall include details sufficient to demonstrate compliance with this Chapter.
  - (7). The application fee in accordance with the fee schedule established by the Town Board of the Town of Orangetown (“Town Board”).
- C. OBZPAE shall approve and issue a food truck permit if:
- (1). The applicant demonstrates compliance with the requirements of this Chapter;
  - (2). the required food truck permit fee has been paid;
  - (3). no municipal or governmental code violations, or notices of violation, are pending on the property at which the food truck will be located;

- (4). the property at which the food truck will be located lies entirely within a Zoning District that allows commercial or non-residential uses as per Orangetown Code Chapter 43 (Zoning);
- (5) the food truck is in full compliance with all applicable codes, rules and regulations of the Uniform Fire Prevention and Building Code of New York State, and the National Fire Protection Association (NFPA); and
- (6) a valid County permit submitted with the application.

D. Food truck permits shall only be issued for the following lengths of operation, provided that, in no event, shall a permit be issued to expire later than the County permit (if a permit is required by the County):

- (1). Seasonal permit: six months.
- (2). Daily permit: four consecutive days.

E. A permit is effective upon approval by OBZPAE and an Orangetown Fire Inspector.

F. A food truck permit is not transferable.

G. In addition to the provisions of §16-10 below, OBZPAE shall administer and enforce this Chapter, as contemplated in Orangetown Code Chapter 6A (entitled Building, Zoning and Planning Administration), including, but not limited to, the authority to issue summonses and/or appearance tickets in the Orangetown Justice Court for any violations of this Chapter.

**§16-4. Siting.**

A. A food truck permitted under this Chapter shall only be located on private property; and nothing in this Chapter shall be deemed to authorize the sale or distribution of food from a food truck on public property or in the public right-of-way.

B. A food truck shall only be permitted on private property that lies entirely within a Zoning District that allows commercial or non-residential uses as per Orangetown Code Chapter 43 (Zoning).

C. A food truck shall only be sited on the property at the location designated on the food truck permit.

D. A food truck shall meet the minimum side, rear and front yard setbacks, and maximum building height, regulations applicable to an accessory structure for the Zoning District in which the property is located upon which the food truck is sited.

E. A food truck shall be located a minimum of:

- (1). five feet away from the edge of any driveway or walkway;
- (2). five feet away from a utility box or appurtenances;
- (3). fifteen feet away from an ADA handicap/wheelchair ramp;
- (4). twenty five feet away from a building entrance, exit or emergency access/exitway;
- (5). ten feet away from an emergency call box;
- (6). twenty five feet away from the main entrance to any restaurant;
- (7). twenty five feet away from any outdoor dining area associated with any restaurant;

- (8). fifty feet away from any other food truck on another property, as measured from the designated location on the other property accommodating the other food truck;
- (9). one hundred feet away from any watercourse, stream, creek, river or body of water;
- (10). ten feet from another food truck on same property; and
- (11). twenty five feet away from a fire hydrant.

F. A food truck shall be sited in a location that does not:

- (1). obstruct, hinder or interfere with the free flow of pedestrian, bicycle or motor vehicular traffic;
- (2). restrict visibility at any driveway or intersection;
- (3). unreasonably interfere with the activities of other businesses, or otherwise interfere with other lawful activities, or violate any statutes, ordinances, or other laws; and
- (4). does not restrict fire apparatus access roads.

**§16-5. Number and size of food trucks.**

- A. Food trucks shall only be located on a single tax lot of at least 5,000 square feet in size.
- B. A maximum of three food trucks shall be permitted per single tax lot at any one time, with separate permits required for each food truck.
- C. The maximum number of food truck permits that may be issued per single tax lot, per year, shall be one seasonal permit and three daily permits.
- D. The maximum size of a food truck shall be 256 square feet, measured from the exterior faces of the food truck.
- E. A minimum of four off-street parking spaces, designated to exclusively serve the food truck while the food truck is operating, shall always be available (while the food truck is operating) on the same tax lot as the food truck, which parking spaces shall not otherwise be reserved, encumbered, or assigned to satisfy the off-street parking requirements of another business or activity that is operating on the lot at the same time as the food truck.

**§16-6. Operations.**

- A. Food truck operators shall maintain a valid County permit (if required by the County); and shall also operate the food truck in conformance with any and all applicable governmental health regulations, standards, laws and statutes and all applicable codes, rules and regulations of the Uniform Fire Prevention and Building Code of New York State.
- B. The following shall be conspicuously posted in public view on the food truck at all times: the County permit (if required by the County); the Orangetown food truck permit; and a notice, printed with at least two-inch height lettering, that states: "TO REPORT A VIOLATION, CALL AN ORANGETOWN CODE ENFORCEMENT OFFICER AT PHONE #845-359-8410."
- C. Food trucks shall have adequate ingress and egress from its sited location so as to prevent traffic congestion and safety hazards. Existing and/or proposed curb cuts, intended to serve the food truck, shall meet the minimum sight distance requirements of the Orangetown Highway Department.

- D. All food trucks shall be allowed a single freestanding sign not greater than ten square feet in size as measured on one side of a two-sided sign or placard, in addition to the following:
- (1) there shall be no limit on the size, or number of signs, painted or permanently affixed on the truck; and
  - (2) signs that are painted or permanently affixed to food trucks shall not be mounted perpendicular to the food truck, and shall not protrude beyond the exterior body of the food truck.
- E. The operation of food trucks shall be limited to the hours between 6:00 AM and 9:00 PM; and, subject to §16-6(N), shall not operate a power generator:
- (1) in any Zoning District, other than a residential Zoning District, prior to 7:00 AM or after 8:00 PM;
  - (2) in any residential Zoning District prior to 7:00 AM or after 8:00 PM, Monday through Friday; prior to 8:00 AM or after 7:00 PM on Saturday; and prior to 9:00 AM or after 5:00 PM on a Sunday or legal holiday.
- F. The food truck operator, or his/her authorized designee, must be present at all times during the operation of the food truck, except in cases of emergency.
- G. Food truck operators shall provide trash and recycling receptacles within ten feet of their food truck, and are responsible for the proper and lawful disposal of waste and trash associated with the operation of the food truck, and shall properly and lawfully remove and dispose of all waste and trash associated with their operation at the end of each day, or more frequently as necessary to maintain the health and safety of the public. The food truck operator shall keep all areas, and any associated seating areas, clean of grease, trash, napkins, paper, cups, plates, utensils, packaging, bottles and cans associated with the operation. All liquid waste, oil and grease shall be properly and lawfully disposed of, and shall not be spilled or discharged in, near or on streams, wetlands, storm drains, lawns, sidewalks, streets or other public spaces, or in sanitary sewers or septic tanks that are not equipped with a grease trap.
- H. Outdoor seating shall be permitted, so long as it is sited consistent with the provisions of §16-4 herein; and shall not exceed eight total seats.
- I. With the exception of allowable outdoor seating areas and trash receptacles, all equipment required for the operation of a food truck shall be contained within, attached to, or located within five feet of the food truck.
- J. No food shall be prepared, sold or displayed at the food truck site outside of the food truck.
- K. Lighting is prohibited, except for lighting that is used within the inside of the food truck for the sole purpose of the preparation, cooking, wrapping, packaging, processing, apportioning, dispensing, or transacting the sales, of the food or beverages, which lighting shall be completely shut off when the food truck is not in operation.
- L. Tents and canopies are prohibited. Awnings shall only be permitted if they are attached to the food truck; and umbrellas shall only be permitted if they are attached to a picnic table.

- M. Amplified sound, loudspeakers and public address (PA) systems, including, but not limited to, the playing, airing, broadcasting or performing of live, pre-recorded, or internet or satellite streaming, music is prohibited; and the food truck operation shall comply with the noise regulations of Chapter 22 of the Orangetown Code.
- N. Power generators are prohibited; unless the power generator (i) does not exceed [ 80 decibels at the point of alleged disturbance, (ii) does not exceed [2 (two) ] hours of consecutive operation in a 4 hour period, and (iii) complies with all other applicable Orangetown Code provisions, including, but not necessarily limited to, Chapter 22 (Noise).
- O. Food trucks and associated outdoor seating, if any, shall be completely removed from all permitted locations upon expiration of the food truck permit.

**§16-7. Exceptions.**

- A. An Orangetown resident may apply for a special event private use food truck permit requesting that a food truck cater a special event on the resident's own private property at their place of residence, which may be within any Zoning District. A resident's request for a special event private use food truck permit shall be made to OBZPAE for a period not exceeding one day, which permit shall be subject to the requirements of this Chapter, except for §16-4(A) and (B); and food truck sales or dispensing shall be limited to the private event attendees only (not to the general public), and no greater than two such permits per year shall be issued per household.
- B. The Town Board may, by Resolution and in its legislative discretion, authorize, empower and allow OBZPAE to issue a food truck permit to be located on Orangetown owned property, which food truck permit shall not be subject to the requirements of this Chapter, except those requirements that the Town Board, in its said Resolution, may wish to impose as conditions of OBZPAE's issuance of the food truck permit.
- C. The Town Board may, by Resolution and in its legislative discretion, authorize, empower and allow OBZPAE to issue a food truck permit, for a maximum period of four consecutive days, to a not-for-profit entity or organization, a religious or educational institution, or a municipal or governmental entity (including a Library or Fire District), to be located in any Zoning District and on any site approved by the Town Board, for the purpose of events, fairs, festivals or parades that are open to the general public; which food truck permit shall not be subject to the requirements of this Chapter, except those requirements that the Town Board, in its said Resolution, may wish to impose as conditions of OBZPAE's issuance of the food truck permit.

**§16-8. Violations.**

- A. Any of the following shall constitute a violation of this Chapter:
  - (1). Failure to properly obtain a valid food truck permit, which shall be a violation of the food truck operator.
  - (2). Failure to properly display a valid food truck permit, which shall be a violation of the food truck operator and the owner of the property at which the food truck is located.
  - (2). Fraud or misrepresentation contained in the food truck permit application, which shall be a violation of the food truck operator.

- (3). Fraud or misrepresentation made in the course of operating the food truck, which shall be a violation of the food truck operator and the owner of the property at which the food truck is located.
- (4). Conduct that is, or creates, a public nuisance, hazard, peril, menace or danger, or otherwise constitutes a threat to the public health, safety or welfare, which shall be a violation of the food truck operator and the owner of the property at which the food truck is located.
- (5). Failure to comply with any of the regulations of §16-4, §16-5 or §16-6, which shall be a violation of the food truck operator and the owner of the property at which the food truck is located.

**§16-9. Suspension or revocation of a food truck permit.**

- A. OBZPAE may issue, to the food truck operator, for any violation, a notice of intent to suspend or revoke a food truck permit (“notice”), which notice shall describe the violation and require that the permit holder immediately correct the violation or cause the violation to be corrected; which notice shall be sent to the permit holder (1) by personal delivery, courier (e.g., FedEx, UPS), or USPS First Class Mail, to the address submitted with the food truck permit application, or by (2) posting at the place of business of the food truck.
- C. If the holder of the food truck permit fails to immediately correct the violation or cause the violation to be corrected, then OBZPAE may suspend or revoke the permit.
- D. A food truck permit holder shall be entitled to request a hearing to appeal OBZPAE’s suspension or revocation of a food truck permit, which hearing shall be held before the Town Board, upon application made by the permit holder to the Town Clerk demonstrating that the permit holder was not in violation of the permit. OBZPAE’s suspension or revocation of a food truck permit remains enforceable and in effect, unless reversed or modified by the Town Board as a result of said hearing, which hearing shall be held within 45 days of said application by the permit holder, or as soon thereafter as the Town Board is able to schedule the hearing.

**§16-10. Enforcement and administration.**

- A. The provisions of this Chapter shall be administered by OBZPAE, and shall be enforced by OBZPAE and/or any other Orangetown agency that has jurisdiction over an aspect of the food truck operation, including, but not necessarily limited to, the (1) Police Department, (2) Highway Department, (3) Department of Parks, Recreation and Buildings, (4) Department of Environmental Management and Engineering, and (5) Bureau of Fire Prevention.
- B. Pursuant to §10(4)(a) of NYS Municipal Home Rule Law and §150.10 of NYS Criminal Procedure Law, Police Officers and OBZPAE are authorized and empowered to issue and serve summonses and/or appearance tickets returnable in the Orangetown Justice Court, and to prosecute the violation in said Court, when he or she has reasonable cause to believe that a person or entity has violated this Chapter.

**§16-11. Penalties for offenses.**

- A. A violation of this Chapter shall be deemed a violation, and not a crime or offense. Any person or entity who shall violate any provision of this Chapter shall, upon conviction, be subject to the penalties set forth in Chapter 41A of the Orangetown Code; except for imprisonment,



incarceration or jail, which shall not be a penalty. Each day's continued violation shall constitute a separate violation.

- B. Conviction of a violation of this Chapter shall constitute and effect an immediate forfeiture of any food truck permit issued to the person or entity so convicted.
- C. Without limiting any other remedy, the Town Board may also maintain a civil action or proceeding, in the name of the Town of Orangetown, in a court of competent jurisdiction, to compel compliance with, or to restrain by injunction the violation of, this Chapter.

**Section 3. Authority**

This proposed Local Law is enacted and adopted pursuant to NYS Municipal Home Rule Law §10, and in accordance with the procedures prescribed in NYS Municipal Home Rule §20.

**Section 4. Severability**

If any section, subdivision, paragraph, clause or phrase of this Local Law shall be adjudged invalid, or held to be unconstitutional, by any court of competent jurisdiction, any judgment or order made thereby shall not affect the validity of this Local Law as a whole, or any part thereof, other than the part or provision so adjudged to be invalid or unconstitutional.

**Section 5. Effective Date**

This Local Law shall take effect upon publishing and posting a copy in the manner prescribed by applicable laws, and upon filing a copy with the NYS Secretary of State.



AFFIDAVIT OF PUBLICATION FROM

State of Wisconsin
County of Brown, ss.:

On the 6 day of March in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Tuttle, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

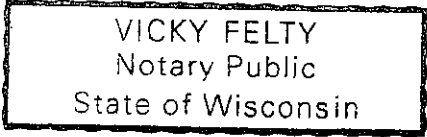
Linda Tuttle being duly sworn says that he/she is the principal clerk of THE JOURNAL NEWS, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, on the editions dated :

Zone: Rockland Run Dates: 03/06/2023

Linda Tuttle
Signature

Sworn to before me, this 6 day of March, 2023

Vicky Felty
Notary Public, State of Wisconsin, County of Brown
92925



My commission expires

Legend:

WESTCHESTER: Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolndale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thomwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

ROCKLAND: Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Slootsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0005611115

**TOWN OF ORANGETOWN  
NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that pursuant to a resolution of the Town Board of the Town of Orangetown, duly adopted at a meeting held February 7, 2023, a public hearing will be held by the Town Board on a proposed Local Law, to establish a new Chapter 16, Food Trucks, of the Town Code. This public hearing is scheduled for the 21st day of March, 2023 at 7:05 pm, Orangetown Town Hall, 26 W Orangeburg Rd, Orangeburg, NY.

At the time and place of the public hearing specified above, all interested persons will be given the opportunity to be heard.

By order of the Town Board of the Town of Orangetown.

Dated: February 27, 2023

Rosanna Sfraga, Town Clerk  
Robert Magrino, Town Attorney  
0005611115

**Teresa Pugh**

---

**From:** Rosanna Sfraga  
**Sent:** Tuesday, March 21, 2023 2:46 PM  
**To:** Teresa Pugh  
**Subject:** FW: VAN HOUTEN FARMS

-----Original Message-----

**From:** Eileen Liatsis <edalyliatsis@gmail.com>  
**Sent:** Tuesday, March 21, 2023 11:49 AM  
**To:** Rosanna Sfraga <rsfraga@orangetown.com>  
**Subject:** VAN HOUTEN FARMS

ROSANNA,

We've lived within a mile from Van Houten Farms for more than 30 years. They have been good neighbors and an excellent business for the town. Perhaps it's where our town slogan started.  
"The town of friendly people "

Unfortunately, no adjustments to their business satisfies greedy neighbors.

We put great stock in our heritage, but deny Van Houten. Is there no support? No grandfather or agricultural clause to defend there rights. The rights you deny to this neighbor business will be revisited on another small businesses in the future . Pearl River loses without a workable compromise.

Van Houten has given enough. It's time for town board to step and save an important and long standing local business.

Strong members of the voting public,  
Eileen and Elias Liatsis  
115 Westminster Drive  
Pearl River, NY 10965

NOTICE OF POSTING: NOTICE TO BIDDERS: ONE (1) NEW 12' HEAVY DUTY, POWER  
REVERSABLE END LOADER PLOW  
SPECIFICALLY DESIGNED FOR  
GRADERS & END LOADERS

**EXHIBIT**

03-21-6

STATE OF NEW YORK }  
COUNTY OF ROCKLAND }  
TOWN OF ORANGETOWN }

SS.

Rosanna Sfraga being duly sworn upon her oath deposes and says;

That, she is, at all times, hereinafter mentioned was, duly elected,  
Qualified and acting Town Clerk of the **TOWN Of ORANGETOWN**, in the County of  
Rockland, State of New York.

That, on the 16<sup>th</sup> day, February, 2023, she caused to be conspicuously posted and  
fastened up a notice, a true copy of which is annexed hereto and made a part of hereof, in  
the following places, at least one of which is a public place within the **TOWN Of**  
**ORANGETOWN**, New York.

1. Town Hall Bulletin Boards
- 2.
- 3.
- 4.
- 5.

  
\_\_\_\_\_  
Rosanna Sfraga, Town Clerk

Subscribed and sworn to before me

This 16th day of February, 2023

  
\_\_\_\_\_

RIMA A. DELVECCHIO  
Notary Public, State of New York  
No. 01DE622835  
Qualified in Rockland County  
My Commission Expires June 1, 20 26

## NOTICE TO BIDDERS

SEALED BIDS WILL BE RECEIVED by the Town Board of the Town of Orangetown at the Town Clerk's Office, No. 26 Orangeburg Road, Orangeburg, New York until 10:30 A.M. on March 2, 2023, and will be publicly opened and read aloud at 11:00 A.M. for furnishing One (1) 12', Heavy Duty, Power Reversible End Loader Plow Specifically Designed For Graders and End Loaders, in accordance with the Contract Documents on file with and which may be obtained at the Town Clerk's Office.

The Superintendent of Highways will submit a report to the Town Board of all bids received and his recommendation concerning the awarding of a Contract at a meeting of the Town Board of the Town of Orangetown.

The Town Board reserves the right to select the most advantageous offer to the Town through "best value" procurement. "Best value" selection will be based on the evaluation and comparison of factors in addition to cost or price.

The Town Board reserves the right to waive any informalities in the bidding and to reject any and all bids.

No bid will be accepted without a Non-Collusion Statement as required pursuant to Section 103d of the General Municipal Law.

No contract is deemed to have been created until approved by a Town Board Resolution and the Town Attorney, and until after it has been executed by the Supervisor of the Town of Orangetown, at the direction of the Town Board. All contracts are subject to appropriations approved by the Town Board, after having been provided for in the Town Budget.

Each proposal must be accompanied by a certified check of the bidder or by a bid bond satisfactory to the Town of Orangetown, duly executed by the bidder as principal, having surety thereon, and a surety company approved by the Town of Orangetown in the amount of five percent (5%). Such checks or bid bonds will be returned to all, except the three (3) lowest bidders with forty-eight hours after the bids have been opened by the Town. The bid security of the three (3) lowest bidders will be returned after the accepted bidder has executed the contract and furnished the required performance bond and insurance.

The successful bidder upon failure or refusal to execute and deliver the contract and bond required within ten (10) days after it has received notice of the acceptance of the proposal, shall forfeit to the Town of Orangetown and as liquidated damages for such failure or refusal the security deposited with this proposal.

Attorneys in fact who sign bid bonds or contract bonds must file with each bond a certified copy of their Power of Attorney to sign said bonds.

No proposal shall be accepted by facsimile

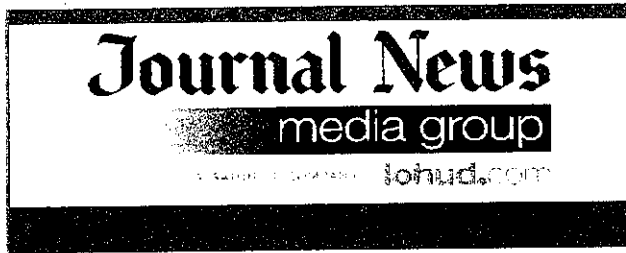
Only qualified bidders who have adequate experience, finances, equipment and personnel will be considered in making awards.

By order of the Town Board of the Town of Orangetown.

DATED: February 15, 2023

JAMES J. DEAN  
SUPERINTENDENT OF HIGHWAYS

ROSANNA SFRAGA  
TOWN CLERK



**AFFIDAVIT OF PUBLICATION  
FROM**

**State of Wisconsin  
County of Brown, ss.:**

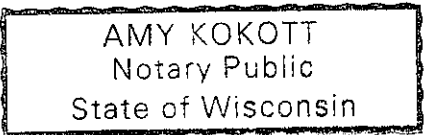
On the 15 day of February, in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Inda Tuttt, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

Inda Tuttt being duly sworn says that he/she is the principal clerk of **THE JOURNAL NEWS**, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, on the editions dated :

**Zone: Run Dates:**  
**Rockland 02/15/2023**

Inda Tuttt  
Signature

Sworn to before me, this 15 day of February, 2023  
Amy Kokott  
Notary Public, State of Wisconsin, County of Brown



6/30/2025  
My commission expires

**Legend:**

**WESTCHESTER:**  
Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincoln Dale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

**ROCKLAND:**  
Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

**Ad Number: 0005594401**



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