



**TOWN OF ORANGETOWN TOWN BOARD MEETING**

**Tuesday June 13, 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:**

- ◆ The following Public Hearing has been scheduled for June 27, 2023
  - Amendment to Zoning Code regarding Special Permits for Mixed-Use Development, Route 303-- Allow Fast Food Restaurant as part of Special Permit.

**PRESENTATIONS:**

- ◆ 2023 HIGHWAY AWARDS Presented by James J. Dean
- ◆ South Nyack Parking Study

**DISCUSSION:**

- ◆ ADOPTING THE COMPREHENSIVE PLAN
- ◆ 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 / JUNE 13, 2023 AT 7:05 P.M. / RE: PROPOSED CHANGE TO TOWN CODE, ADDING A NEW CHAPTER 26 ENTITLED "PUBLIC MEETINGS"**

**RESOLVED**, that the Public Hearing regarding the Proposed Change to Town Code, Adding a New Chapter 26, entitled "Public Meetings", is hereby opened.

**SUMMARY OF COMMENTS:**

4. **CLOSE OR CONTINUE PUBLIC HEARING / RE: PROPOSED CHANGE TO TOWN CODE, ADDING A NEW CHAPTER 26 ENTITLED "PUBLIC MEETINGS"**

**RESOLVED**, that the Public Hearing regarding the Proposed Change to Town Code, Adding a New Chapter 26 Entitled "Public Meetings" is hereby closed or continued to \_\_\_\_\_.

5. **ADOPT LOCAL LAW #\_\_\_ 2023/ ADDING CHAPTER 26 ENTITLED "PUBLIC MEETINGS" TO TOWN CODE**

**WHEREAS**, Article 7 of New York Public Officers Law provides for public bodies to utilize video conferencing in certain circumstances, subject to certain conditions and adoption by local municipalities of a resolution or local law authorizing same, and

**WHEREAS**, on May 9, 2023 the Town Board adopted a resolution which scheduled a public hearing for a local law to add to the Town Code a new chapter, Chapter 26, to be entitled "Public Meetings" to permit certain public bodies of Town government to conduct public meetings via videoconferencing under certain proscribed circumstances, 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 Chapter 26 entitled "Public Meetings" to the Code of the Town of Orangetown, 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 Chapter 26 to Town Code of the Town of Orangetown to be entitled "Public Meetings", providing for videoconferencing of public meetings in accordance with Article 7 of the New York Public Officers Law, and set forth more fully therein.

TOWN OF ORANGETOWN  
PROPOSED LOCAL LAW # \_\_\_\_ - 2023

A LOCAL LAW TO ADD A NEW CHAPTER TO THE TOWN TO BE ENTITLED "PUBLIC MEETINGS" AND IDENTIFIED AS CHAPTER 26, TO PERMIT ATTENDANCE BY MEMBERS OF PUBLIC BODIES OF TOWN GOVERNMENT TO ATTEND PUBLIC MEETINGS VIA VIDEOCONFERENCING UNDER CERTAIN CIRCUMSTANCES

Be it enacted by the Town Board of the Town of Orangetown as follows: The Code of the Town of Orangetown, shall be amended to incorporate revisions as described:

**Section 1. Title**

**CHAPTER 26 Public Meetings**

**Article I Videoconferencing**

**§ 26-1 Definitions.**

Unless otherwise expressly stated, wherever used in this chapter, the following terms shall have these meanings:

**EXECUTIVE SESSION**

The same meaning as that term has in New York Public Officers Law § 105.

**EXTRAORDINARY CIRCUMSTANCES**

A disability, a hospitalization, an illness, caregiving responsibilities, exposure to a serious communicable disease, the hospitalization, death or illness of a relative or a significant or unexpected factor or event that prevents a member of a public body from being physically present at the location of such public body's meeting.

**PUBLIC BODY**

The Town Board, the Planning Board, Zoning Board of Appeals, the Architecture and Community Board of Review, the Board of Assessment Review, the Historical Areas Board of Review, the Project Review Committee and Traffic Advisory Board.

**§ 26-2 Discretion to use videoconferencing.**

At its discretion, a public body may employ videoconferencing during any meeting that is required to be open to the general public pursuant to Article 7 of the New York Public Officers Law, even in the absence of a declaration of emergency, provided that a quorum of the members of the public body is present in the same physical location where members of the public can attend such meeting and such body complies with this chapter.

**§ 26-3 Attendance requirement; circumstances for videoconferencing.**

Members of the public body shall be physically present at the location of such meeting unless a member is unable to be physically present due to extraordinary circumstances. If the public body exercises its discretion under § 26-3 of this Chapter, a member of the public body who is not physically present at the location of such meeting due to extraordinary circumstances may participate at such meeting and vote on any matters on which the public body votes by means of videoconferencing. The extraordinary circumstance preventing that member's physical attendance shall be announced during the meeting.

**§ 26-4 Public notice of videoconferencing.**

If it is contemplated that videoconferencing will be used at a meeting, the public notice for that meeting shall inform the public that videoconferencing will be used, where the public can view and/or participate in such meeting, where required documents and records will be posted or be available and identify the physical location where the public can attend the meeting. If extraordinary circumstances present themselves on an emergent basis, the public body shall update its notice as soon as practicable to update its notice to include that information, which updated notice shall be posted on the Town's website.

**§ 26-5 Participation in meetings.**

- A. Except in the case of executive sessions, the videoconferencing shall enable members of the public body to be heard, seen and identified while the meeting is being conducted, including those portions of the meeting where any motions, proposals, resolutions and any other matter are discussed and voted upon.
- B. Members of the public shall have the opportunity to view such meeting through video and to participate by way of videoconferencing in real time at times when public comment or participation is authorized by law or by the procedural rules of the public body in a way similar to the way members of the public who are physically present at the meeting are allowed to comment or participate at such meeting.

**§ 26-6 Accessibility requirements for videoconferencing media.**

The videoconferencing media shall utilize technology that permits access by members of the public with disabilities in a manner that is consistent with the 1990 Americans with Disabilities Act, as amended, and its corresponding guidelines and regulations.

**§ 26-7 Minutes.**

The minutes of any meeting where videoconferencing is used shall include which members participated remotely and shall be made available to the members of the public pursuant to New York Public Officers Law § 106.

**§ 26-8 Recordings of video conferenced meetings.**

The public body shall provide that each meeting where videoconferencing is used be recorded and that such recording be posted or linked on the public website of the Town of Orangetown within five business days following the meeting. The recording shall not contain discussions during an executive session or during recesses to obtain advice of counsel. The recording shall remain available on the website for a minimum of five years after the meeting was adjourned. Such recordings shall be transcribed upon request at a cost to the requestor equivalent to the rate charged by a court reporter for transcribing the minutes of a trial or hearing.

**§ 26-9 Compliance with written procedure requirement.**

This Chapter is deemed to be the written procedures governing member and public attendance required by New York Public Officers Law § 103-a Subdivision 2(b). It shall be posted conspicuously on the Town of Orangetown's website.

**§ 26-10 Exemption.**

The requirement for physical presence by members of a public body contained in § 26-3 of the Code shall not apply during a state disaster emergency declared by the Governor pursuant to § 28 of the New York Executive Law, or a local state of emergency proclaimed by the County Executive of Rockland County or the Supervisor of the Town of Orangetown pursuant to § 24 of the New York Executive Law, if the public body determines that the circumstances that led to the declaration of a state disaster emergency or a local state of emergency would affect or impair the ability of the public body to conduct an in-person meeting.

## **Section 2. Severability Clause**

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid parts.

## **Section 3. Effective Date.**

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

### **6. APPROVE / RETAINER OF DICHTER LAW LLC FOR JOINT REPRESENTATION OF TOWN'S INTERESTS BEFORE PUBLIC SERVICE COMMISSION / 2023 VEOLIA RATE CASE**

**RESOLVED**, that the Town Board hereby authorizes the Town Supervisor to execute an Engagement Letter with Dichter Law LLC, in a form to be approved by the Town Attorney, pursuant to which the Town of Orangetown will share proportionately with other Rockland County towns and municipal entities (based on population) in the cost of legal representation by the Dichter law firm before the N.Y.S. Public Service Commission, contesting the magnitude of the proposed rate increase sought by Veolia Water New York, Inc. The cost to the Town, on a proportional basis, as authorized by this resolution, shall be \$6,400.00.

### **7. MEMORIALIZING RESOLUTION: OPPOSITION TO NYS BILL A 02875: ACT TO AMEND THE REAL PROPERTY TAX LAW, IN RELATION TO TELECOMMUNICATIONS EQUIPMENT OWNED BY OTHER THAN A TELEPHONE COMPANY**

**WHEREAS**, telecommunications property, unless otherwise exempted in paragraph (i) of subdivision 12 of section 102 of the Real Property Tax Law, in the private rights-of-way is currently assessed by the local municipality where such property is located, and such value is not to exceed the New York State mandated telecommunications ceilings, and

**WHEREAS**, the State Legislature is considering legislation amending paragraph (i) of subdivision 12 of Section 102 of the Real Property Tax Law to exempt certain telecommunications property owned by other than a telephone company and paragraph (i) of subdivision twelve of section 102 of the Real Property Tax Law to exempt certain property used to provide wireless services, and

**WHEREAS**, the establishment of such legislation would require that telecommunications equipment used for wireless services be removed from assessment rolls in all municipalities across the State of New York, and

**WHEREAS**, the removal of this property from assessment rolls would result in the loss of local assessment of telecommunications property and other telecommunications equipment used for wireless services in private rights-of-way, with a substantial loss of tax revenue to local municipalities, as well as exposure to potential property tax refunds,

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Orangetown that telecommunications property in the private right-of- way, including telecommunications equipment used for wireless services, remain taxable and under the control of the local municipality where such property is located and is hereby opposed to New York State Bill

A.02875 and the exemption from real property taxation of telecommunications equipment used for wireless services, and

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby authorized to forward a copy of said resolution to the following persons: • Governor Kathy Hochul • Assemblyman Daniel Rosenthal • State Senator Kevin Parker • Assemblywoman Jaime R. Williams • State Senator Bill Weber • Assemblyman John McGowan

## TOWN ATTORNEY

### 8. 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:

- KJTM, Inc., 11 Hunter Place, West Nyack, NY 10994, Tel.: 845-570-1127

### 9. APPROVE / 2023 PEARL RIVER SCHOOL DISTRICT SRO AGREEMENT

**WHEREAS**, the Pearl River School District (PRSD) has requested that the Town Police Department assign of a School Resource Officer (SRO) to the school district, and

**WHEREAS**, PRSD has agreed that, as a condition of such assignment, to reimburse to the Town a portion of the cost to the Town for the services of such assignment subject to formal written agreement between the parties and the districts, and

**WHEREAS**, the Town of Orangetown and the PRSD are authorized to enter into these separate agreements pursuant to Section 119-0 of the General Municipal Law,

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes the Town to enter into an agreement with the PRSD, which has been prepared, reviewed and approved by the Town Attorney's Office, whereby the Town agrees to assign an SRO to the PRSD on a yearly basis commencing with the 2023/24 school year, for a three (3) year period, with an option for both parties to renew the agreement for an additional two (2) years thereafter, for a total of five (5) years, under the terms and conditions as set forth in the agreement, and the PRSD shall reimburse the Town in accordance with the terms of the agreement and

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes the Supervisor or her designee to execute the agreements with each district under the terms and conditions as set forth therein on behalf of the Town of Orangetown and

**BE IT FURTHER RESOLVED** t hat the Town Board hereby authorizes the Chief of Police to execute the agreement with PRSD on behalf of the Police Department and to administer same on behalf of the Town and the Town Police Department.

**10. APPROVE / 2023 SOUTH ORANGETOWN SCHOOL DISTRICT SRO AGREEMENT**

**WHEREAS**, the South Orangetown Central School District (SOCSD) has requested that the Town Police Department assign two (2) School Resource Officers (SROs) to the school district, and

**WHEREAS**, SOCSD has agreed that, as a condition of such assignment, to reimburse to the Town a portion of the cost to the Town for the services of such assignment subject to formal written agreement between the parties and the districts, and

**WHEREAS**, the Town of Orangetown and the SOCSD are authorized to enter into these separate agreements pursuant to Section 119-0 of the General Municipal Law,

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes the Town to enter into an agreement with the SOCSD, which has been prepared, reviewed and approved by the Town Attorney's Office, whereby the Town agrees to assign two SROs to the SOCSD on a yearly basis commencing with the 2023/24 school year, for a three (3) year period, with an option for both parties to renew the agreement for an additional two (2) years thereafter, for a total of five (5) years, under the terms and conditions as set forth in the agreement, and the SOCSD shall reimburse the Town in accordance with the terms of the agreement and

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes the Supervisor or her designee to execute the agreements with each district under the terms and conditions as set forth therein on behalf of the Town of Orangetown and

**BE IT FURTHER RESOLVED** that the Town Board hereby authorizes the Chief of Police to execute the agreement with SOCSD on behalf of the Police Department and to administer same on behalf of the Town and the Town Police Department.

**HIGHWAY**

**11. AWARD CONTRACT/ MAINTENANCE AND MINOR EMERGENCY REPAIR OF TOWN OF ORANGETOWN VEHICULAR TRAFFIC AND PEDESTRIAN CONTROL SIGNALS AND DEVICES/ VERDE ELECTRIC MAINTENANCE CORPORATION**

**RESOLVED**, upon the recommendation from the Superintendent of Highways, that the Town Board hereby awards this bid to Verde Electric Maintenance Corp., the only bidder, in the amount of \$ 67,200.00 per year, \$ 201,600.00 for a three (3) year term.

**HIGHWAY / DEME**

**12. APPROVE AGREEMENT / 2023 STORMWATER II EDUCATION PROGRAM / CORNELL COOPERATIVE EXTENSION ROCKLAND COUNTY**

**WHEREAS**, the Town of Orangetown contracts with Rockland County Cornell Cooperative Extension to provide educational services as part of meeting NYS DEC's Minimum Control Measures for Stormwater Phase II Regulations;

**BE IT RESOLVED**, the Town of Orangetown hereby authorizes the renewal of Stormwater II Education Program Agreement with Cornell Cooperative Extension of Rockland County

for 2022 for the period of April 1, 2023 - March 31, 2024 in the amount of \$8,777.27, between Highway D.5110.457.04 and DEME G.8120.457.

## **TRAFFIC ADVISORY BOARD**

**13. SET PUBLIC HEARING / JULY 11, 2023 AT 7:05 PM / PROPOSED AMENDMENT TO CHAPTER 39-8, STOP INTERSECTIONS, OF THE TOWN CODE**

**RESOLVED**, that the Town Board will hold a public hearing on July 11, 2023 at 7:05 p.m. on a proposed Local Law Amending Chapter 39, Vehicles and Traffic, Article I, Vehicle and Traffic Regulations, Section 39-8(D), in the Hamlet of Sparkill, with respect to the addition of a stop intersection at Dederer Street heading southeast at the intersection of Washington Street and Dederer Street in Sparkill in the Town of Orangetown.

**14. SET PUBLIC HEARING / JULY 11, 2023 AT 7:10 PM / PROPOSED AMENDMENT TO CHAPTER 39, ARTICLE I, SECTION 39-6, PROHIBITION OF PARKING ON DESIGNATED HIGHWAYS, OF THE TOWN CODE**

**RESOLVED** that the Town Board will hold a public hearing on July 11, 2023, at 7:10 p.m., on a proposed Local Law Amending Chapter 39, Vehicles and Traffic, Article I, Vehicle and Traffic Regulations, Section 39 -6 Prohibition of parking on designated highways in the Hamlet of Pearl River, with respect to restricting parking on the south side of Crooked Hill Road from North Middletown Road to the entrance of the Meadows at Pearl River Condominium Complex in Pearl River in the Town of Orangetown.

**15. APPROVE / INSTALLATION OF STOP SIGN / 6-MONTH POLICE REGULATION / NOYES STREET AND GILBERT AVENUE INTERSECTION IN PEARL RIVER**

**RESOLVED**, that upon the recommendation of the Orangetown Traffic Advisory Board and in accordance with N.Y.S. Manual on Uniform Traffic Control Devices (M.U.T.C.D.), the Town Board approves installation of a stop sign on Noyes Street heading south at the intersection of Noyes Street and Gilbert Avenue in Pearl River under a 6-month police regulation to be reviewed after 6 months.

## **BUILDING**

**16. APPOINT / CHRISTOPHER FRATTO / CODE ENFORCEMENT OFFICER II / PROVISIONAL / EFFECTIVE JUNE 28, 2023**

**RESOLVED** , upon the recommendation of the Director of OBZPAE, appoint Christopher Fratto to the position of Code Enforcement Officer II, provisional, Grade 13, Step 1, at a salary of \$63,023 effective June 28, 2023.



## **DEME**

- 17. ACCEPT WITH REGRET, THE RESIGNATION / RETIREMENT OF ELLEN FORDHAM / ADMINISTRATIVE SECRETARY / D.E.M.E./SEWER DEPARTMENT / EFFECTIVE JUNE 17, 2023**

**RESOLVED**, that the Commissioner of D.E.M.E. and the Town Board accepts with regret, the resignation/retirement of Ellen Fordham, Administrative Secretary, from D.E.M.E./Sewer Department, after 20 years, effective June 17, 2023.

## **FINANCE**

- 18. Place Holder \*\* APPROVE / 2022 FINAL BUDGET ADJUSTMENTS**

**RESOVLED**, that based upon the recommendation of the Finance Director, the Town Board approves the following 2022 final Budget line adjustments:

## **LEND ASSISTANCE**

- 19. COMBINE / APPROVE AGENDA ITEMS #20 TO 23**

**RESOLVED**, the Town Board hereby combines and approves agenda items #20 to 23.

- 20. APPROVE/ LEND ASSISTANCE/ 2023 PEARL RIVER CARNIVAL**

**RESOLVED**, upon the recommendation from the Superintendent of Highways, that the Town Board hereby authorizes the Town of Orangetown Highway Department to lend assistance which includes the use of barricades, barrels, trash receptacles, field clean up, large dumpster & message board, for the Pearl River Carnival to be held from June 15-18, 2023 at the Central Avenue Field.

- 21. APPROVE / LEND ASSISTANCE / 2023 PEARL RIVER FIREWORKS / CENTRAL AVENUE FIELD**

**RESOLVED**, upon the recommendation from the Superintendents of Highway & Parks and Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of trash receptacles, field clean up, dumpster, snow fence, barricades, message board and a secure event perimeter from the Highway Dept., (6) port o sans, with (2) being handicapped accessible from the Parks Dept., and police detail from the Police Dept., for the Pearl River Fireworks to be held on Tuesday, July 4, 2023 (rain date: 7.7.2023) from 6 pm – 11 pm.

- 22. APPROVE/ LEND ASSISTANCE/ PEARL RIVER SCHOOL DISTRICT ART IN THE PARK**

**RESOLVED**, upon the recommendation of the Superintendent of Highways that the Town Board hereby approves the Highway Department to lend assistance which includes the use

of trash barrels for the Pearl River School District Art in the Park on Saturday, June 3, 2023 from 10am-2pm., nunc pro tunc.

**23. APPROVE/ LEND ASSISTANCE/ JOURNEY FOR SIGHT 5K/WALK**

**RESOLVED**, upon the recommendation of the Superintendent of Highways, Superintendent of Parks and Recreation and the Chief of Police that the Town Board hereby authorizes these departments to lend assistance which includes road use from the Highway Department, use of the rail trail from the Parks Department and auxiliary police detail from the Police Department for the Journey for Sight 5K/ Walk on Sunday, June 4, 2023 from 8am-12pm, nunc pro tunc.

**TOWN CLERK**

**24. 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: 5/6/2023 Special Town Board Meeting; 5/9/2023 Police Commission Meeting; 5/9/2023 & 5/23/2023 Regular Town Board Meetings.
2. Agreement & Contracts:
  - Integral Building & Design - Air Barrier System test for Town Hall Addition
  - AKRF, Change Order #3 – Comp Plan
  - Vanas Construction, Change Orders (OTH-GC-01 & OTH-GC-02).
  - LaBerge Consulting (increase of \$36,000)

**AUDIT**

**25. 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 **\$3,256,461.13**.

**EXECUTIVE SESSION**

**26. ENTER EXECUTIVE SESSION**

**RESOLVED**, at \_\_\_\_\_ pm, the Town Board entered Executive Session to discuss the proposed acquisition/sale/lease of real property when publicity might affect value and proposed, pending or current litigation.

## ADJOURNMENTS

### 27. RE-ENTER RTBM / ADJOURNED / MEMORY

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

- ❖ **Kevin Curran**, *Resident of Pearl River*
- ❖ **Carolyn Galdi**, *Former Resident of Tappan and Orangeburg*
- ❖ **Tara Healy**, *Resident of Pearl River*
- ❖ **John "Jack" Pendergast**, *Resident of Pearl River*