



## TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday July 25, 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:

- ◆ Unclaimed Funds Event at Town Hall / Thursday, July 27, 2023 / 11:30 am - 3:00 pm
- ◆ The Regular Town Board Meeting for August 8, 2023 is cancelled.
- ◆ The following Public Hearing is scheduled for August 22, 2023:
  - Zone Change for Prel Plaza/ 60 Dutch Hill Rd

### PRESENTATIONS:

- ◆ PKF O'Conner Davies presenting results of the Annual Comprehensive Financial Report for the Fiscal Year ended December 31, 2022

### DISCUSSION:

- ◆ WORKSHOP OF AGENDA ITEMS

### PUBLIC COMMENT:

#### 1. OPEN PUBLIC COMMENT PORTION

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

SUMMARY OF PUBLIC COMMENTS:

#### 2. CLOSE PUBLIC COMMENT PORTION

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

**AGENDA ITEMS:**

**TOWN BOARD**

- 3. RESUME PUBLIC HEARING FROM JUNE 27, 2023 / 7:05 P.M. / ACCEPT DRAFT COMPREHENSIVE PLAN / CONSIDER ADOPTING THE ORANGETOWN COMPREHENSIVE PLAN**

**RESOLVED**, that the Public Hearing regarding the Draft Comprehensive Plan and consider adopting the Orangetown Comprehensive Plan is hereby resumed.

**SUMMARY OF COMMENTS:**

- 4. CLOSE OR CONTINUE PUBLIC HEARING / ACCEPT DRAFT COMPREHENSIVE PLAN / CONSIDER ADOPTING THE ORANGETOWN COMPREHENSIVE PLAN**

**RESOLVED**, that the Public Hearing regarding the Draft Comprehensive Plan and Consider Adopting the Orangetown Comprehensive Plan is hereby closed or continued to \_\_\_\_\_.

- 5. OPEN PUBLIC HEARING ON PROPOSED LOCAL LAW, AMENDING CHAPTER 15 OF THE TOWN CODE (“FIRE PREVENTION CODE”) BY REPEALING AND ADDING A NEW SECTION 15-10(D)**

**RESOLVED**, that the public hearing to consider a proposed Local Law amending the Town Code of the Town of Orangetown Chapter 15 “Fire Prevention Code”, Section 15-10 entitled “General Fire Safety Requirements”, subsection “D” with the current Section 15-10(D) being repealed in its’ entirety and replaced with a new Section 15-10(D) is hereby opened.

**PRESENTATION of Affidavit of Posting and Publication**

**Summary of Comments:**

- 6. CLOSE PUBLIC HEARING ON PROPOSED LOCAL LAW NO. \_\_ OF 2023, AMENDING CHAPTER 15 OF THE TOWN CODE (“FIRE PREVENTION CODE”) BY REPEALING AND ADDING A NEW SECTION 15-10(D)**

**RESOLVED** that the public hearing on a proposed local law, amending Chapter 15 of the Town Code, to repeal the current Section 15-10(D) with a new Section 15-10(D) is hereby closed.

- 7. DESIGNATION OF LEAD AGENCY WITH RESPECT TO PROPOSED LOCAL LAW, AMENDING CHAPTER 15 OF THE TOWN CODE AND DETERMINATION UNDER SEQRA**

**RESOLVED**, that the Town Board hereby declares itself to be Lead Agency for environmental review with respect to a proposed Local Law, amending Chapter 15 of

the Town Code, entitled "Fire Prevention Code" to repeal the existing Section 15 -10(D) and add a new Section 15-10(D); and further determines that such action will not have a significant adverse environmental impact, and, therefore, issues a Negative Declaration with respect thereto under the State Environmental Quality Review Act.

**8. ADOPT LOCAL LAW NO. \_\_\_ OF 2023, AMENDING CHAPTER 15 OF THE TOWN CODE, SECTION 15-10 ENTITLED "GENERAL FIRE SAFETY REQUIREMENTS" TO ADD A NEW SUB-SECTION (D)**

**RESOLVED**, that the Town Board hereby adopts proposed Local Law No. \_\_\_ of 2023, amending Chapter 15 of the Town Code, entitled "Fire Prevention Code", Section 15 - 10 entitled "General Fire Safety Requirements", subsection "D" with the current Section 15-10(D) being repealed in its' entirety and replaced with a new Section 15-10(D).

The purpose of this Section is to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Town of Orangetown due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

LOCAL LAW NO. \_\_\_\_\_ OF 2023  
TOWN OF ORANGETOWN

Be it enacted by the Town Board of the Town of Orangetown that Local Law No. 15 of 1997, Chapter 15, Article I, Section 15-10(D) entitled "Outdoor fires", is hereby repealed in its entirety and replaced as follows:

DELETING THE CURRENT SECTION 15-10 D entitled "Outdoor fires".

- ~~(1) Outdoor fires include all fires burning outdoors with the exception of fires used to cook food in approved and/or recognized grills or stoves.~~
- ~~(2) All outdoor fires are prohibited with the exemption of live burn drills conducted by the Fire Department, fires for religious purposes or for other purposes as specifically approved by the Fire Inspector. Prior approval from the Rockland County Health Department and a permit issued by the Fire Inspector are required for all outdoor fires. Any other person, firm or corporation starting, maintaining or having control over an outdoor fire is in violation of this Code.~~

AND REPLACING IT IN TOTAL AS FOLLOWS:

Section 15-10 (D): OUTDOOR BURNING, OPEN BURNING AND BURNING OF REFUSE

1) Definitions. As used in this Section, the following terms shall have the meanings indicated:

- A. BONFIRE: An outdoor fire utilized for ceremonial purposes.
- B. BUILDING INSPECTOR: The Building Inspector of the Town of Orangetown and/or his designee.
- C. BURNING: Open burning, outdoor burning, fire(s), recreational fire(s), and special event fire(s).
- D. CLEAN WOOD: Natural, seasoned, and dry firewood which has not been painted, varnished or coated with a similar material, has not been pressure treated with

- preservatives and does not contain resins or glues as in plywood or other composite wood products.
- E. CODE ENFORCEMENT OFFICER: The Code Enforcement Officer(s) of the Town of Orangetown.
  - F. FIRE CHIEF: The Chief of the local Fire Department or other person authorized by the Fire Chief.
  - G. FIRE INSPECTOR: The Chief of the Bureau of Fire Prevention or any Fire Inspector of the Town of Orangetown.
  - H. GARBAGE: The animal and vegetable wastes resulting from the handling, preparation, cooking, and serving of food.
  - I. OPEN BURNING: The burning of materials wherein the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses.
  - J. OPEN FIRE: Any open fire or outdoor smoke-producing process from air contaminants that are emitted directly into the outdoor atmosphere.
  - K. OUTDOOR BURNING: Open burning or burning in a manufactured freestanding portable outdoor fireplace or manufactured fire pit.
  - L. OUTDOOR FIREPLACE or FIRE PIT: A commercially designed and manufactured freestanding portable outdoor fireplace or manufactured fire pit with screens, lids, and spark arrestors having openings of not more than 5/8 inch. A permitted built in fireplace with required OBZPAE approval.
  - M. POLICE CHIEF: The Chief of the Town of Orangetown Police Department or other person authorized by the Police Chief.
  - N. RECREATIONAL OUTDOOR FIRE: A small outdoor fire, burning materials other than rubbish, where the fuel being burned is not contained in an incinerator, barbeque grill or barbeque pit, and is on residential property confined to a commercially designed and manufactured freestanding portable outdoor fireplace or manufactured fire pit; and has a total fuel area of THREE (3') feet or less in diameter and TWO (2') feet or less in height, for pleasure, religious, ceremonial, cooking, warmth or similar purposes; and in accordance with the requirements of §15-10 D (3)(restrictions below) of this section.
  - O. REFUSE: all waste material, including but not limited to: garbage, rubbish, incinerator residue, street sweepings, dead animals and offal.
  - P. RUBBISH: Solid or liquid waste materials including, but not limited to, rags, furniture, cartons, chemicals, paint, grease, sludges, oils, any petroleum products other than legitimate home heating and cooking products, construction materials including, but not limited to, sheetrock, chip board, asphalt or fiberglass shingles, or pressure treated lumber, automobile parts, tires, metal goods including, but not limited to, refrigerators, stoves and like appliances, diapers, yard grass clippings, paper and paper products, packaging materials, styrofoam, mattresses, cigarette filters, glass, plastic of any kind and furniture.
  - Q. SPECIAL EVENT FIRE: A bonfire or any other open-air fire kindled to mark a public event, victory celebration or similar occurrence that does not meet the criteria of a recreational outdoor fire.

2) Prohibited burning. The following fires are prohibited in the Town of Orangetown.

- A. The burning of garbage, refuse and rubbish in any manner is prohibited.
- B. All open fire burning is prohibited in the Town of Orangetown except as set forth in Paragraph 3 herein.
- C. EXCEPTIONS: The following are exceptions from this Section 15-10(D): Live burn drills conducted by a local Fire Department, fires for religious purposes or for other

purposes specifically approved by the Town of Orangetown Fire Inspector, and those fires that require a permit as required from the Fire Inspector.

- 3) Permitted burning. Burning in an open fire, provided that it is not contrary to any other federal, state, county or local law ordinance, rule or regulation, will be permitted as follows:
  - A. Bonfires and Special Event Fires. Bonfires and special event fires shall be permitted only for a publicly sponsored celebration or event, an organization-sponsored event, or for a public or private school sponsored event.
    1. An operational permit shall be obtained from the Bureau of Fire Prevention prior to igniting the fire.
    2. These fires shall be subject to the filing and approval of an Outdoor Burning permit application with the Bureau of Fire Inspection at least THIRTY (30) days prior to the event.
    3. Permitted special event fires shall be located not less than FIFTY (50') feet from any structure or combustible material.
    4. Materials used for fuel shall consist of wood only.
    5. The allowable quantity of wood to be burned shall be determined by the Chief of the Bureau of Fire Prevention or his/her designee based upon the fire safety considerations of the situation and the desired duration of the burn.
    6. The duration of the bonfire or special event fire shall be approved and authorized by the Chief of the Bureau of Fire Prevention or his/her designee.
    7. Materials that can be burned shall be in accordance with this section.
    8. A competent adult of at least eighteen (18) years of age or older shall be designated for the safety of the special event fire area. This person must be identified as the contact person to meet with the Fire Department for any issue pertaining to the fire. Unless otherwise authorized by the Chief of the Bureau of Fire Prevention, the pile size for a bonfire or special event fire shall be TEN (10') feet or less in diameter and SIX (6') feet or less in height.
      - a. The base of the fire shall not be larger than TEN (10) feet in diameter. The fire must be enclosed by a barrier set at a distance sufficient enough to provided maximum safety and be constantly monitored by a person responsible for scene security.
    9. An adequate fire suppression source must be immediately available sufficient to extinguish the fire it is threatens the safety of the event.
    10. After completion of the event and/or celebration, the fire must be completely extinguished and a fire watch must be provided for a sufficient amount of time to ensure that the fire does not rekindle.
    11. The Fire Chief or his/her designee is authorized in his/her discretion to order that a bonfire or special event fire be immediately extinguished in accordance with §15-10(D)(4) of this chapter.
    12. A bonfire or special event fire that is hazardous, offensive, objectionable, or unreasonably interferes with the comfortable enjoyment of life or property, due to smoke or odor emissions, shall be prohibited.
    13. No fire shall be ignited prior to an on-site inspection of the location where the fire is to take place and shall be subject to any and all conditions or restrictions the Bureau of Fire Prevention's Office may impose for the safety of life and property, and the local Fire Department shall be notified FORTY-EIGHT (48) hours prior to igniting any bonfire permitted by the Bureau of Fire Prevention.
    14. The Chief of the Bureau of Fire Prevention and/or his/her designee has the authority to impose such other restriction and/or safety precaution pertaining to the bonfire or special event fire and shall be complied with at all times.

- B. Outdoor cooking. Open burning will be permitted for outdoor cooking when the fire is limited to the minimal size necessary and contained in a device or cooking utensil commonly referred to as a grill, hibachi or smoker designated for outdoor cooking purposes. Fuels for outdoor cooking will be limited to charcoal or charcoal briquettes, natural gas, LP gas or wooden chips. All applicable and/or reasonable safety precautions shall be taken when using said devices or utensils. Outdoor cooking shall not be permitted on balconies, covered porches or covered patios.
- C. Recreational fires. One small recreational fire shall be permitted at single family detached dwellings only. Natural gas or LP gas outdoor fireplaces or fire pits with ceramic logs, untreated wood and unpainted wood shall be permitted, provided that such appliance conforms to all other Town codes, and when used in accordance with the manufacturer's directions. All other forms of recreational fires are prohibited.
1. A recreational fire shall not be greater than TWO (2') feet in height and THREE (3') feet in length in width and diameter, and shall be contained in an approved device.
  2. A recreational fire shall be a minimum of FIFTEEN (15') feet away from a structure (including but not limited to, for example, houses, garages, wooden, plastic and/or vinyl fences, decks, and sheds) and shall not be left unattended until fully extinguished.
  3. A recreational fire shall not be conducted within FIFTEEN (15') feet from a structure or combustible material. Conditions which could cause a fire to spread within FIFTEEN (15') feet of a structure shall be eliminated prior to ignition (as per New York State Fire Code).
  4. Competent adult supervision must be at the site while the fire is burning. Competent adult supervision is someone over eighteen (18) years of age, not impaired by drugs, alcohol or having a medical or mental condition which would impair their ability to take proper actions if required.
  5. Appropriate fire extinguishing equipment sufficient to extinguish the fire shall be present at all times and readily available.
  6. Notwithstanding the foregoing, in the event that an otherwise permitted recreational fire shall cause a nuisance or harm to a neighboring residence or occupants of said residence due to specific health issues related to said home or occupants, then the individuals charged with enforcing said provisions of this section under Section 15-10(D)(4) shall retain the right in their discretion to limit or prohibit said fire.
4. Control of fires within the Town. The Chief of the Bureau of Fire Prevention or his/her designees may suspend the operation of open burning or recreational fires and said Official shall have the right to declare that any and all burning shall cease immediately until further notice:
- a. if weather conditions are such that starting or the continuation of burning is a risk to life, health, safety or property within the Town, or
  - b. if smoke, ash, or smell emitting from open burning or an outdoor fireplace becomes objectionable or offensive to neighboring properties, or
  - c. if the Official determines the open burning or recreational fire constitutes a hazardous condition.

5. Enforcement. The Chief of the Bureau of Fire Prevention, the Fire Inspectors, Building Inspectors, Code Enforcement Officers and the officers of the Orangetown Police Department, are hereby vested with authority to enforce the provisions of this section.
6. Penalties for offenses. Penalties are set forth in Section 15-6.
7. Liability. A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.
8. Severability. If any section or specific part or provision or standard of this section or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this section or the application thereof to other person or circumstances.

WHEN EFFECTIVE: This local law shall take effect immediately upon publishing, posting and upon filing a copy with the Secretary of State as required by law.

9. **Place Holder \*\*APPROVE / ORANGETOWN 2024 BUDGET CALENDAR**

**WHEREAS**, Article 8 of the Town Law of the State of New York provides for a budget system for a Town and the Town Board wishes to set up a budget schedule as provided in Article 8 of the Town Law by designating various dates to implement the 2024 budget;

**NOW, THEREFORE, BE IT RESOLVED** , that the following dates are hereby set as official dates of the Town of Orangetown for the submission and adoption of the budget as required by law;

**SEPTEMBER 6, 2023** (Wednesday): Special Town Board Meeting at 5:30 P.M. will take place at Town Hall, Orangeburg, New York, to include all Department Heads to present their budget requests.

**SEPTEMBER 19, 2023** (Tuesday): Last day for Department Heads to submit budget estimates.

**SEPTEMBER 26, 2023** (Tuesday): At the RTBM of the Town Board at 7:00 P.M., the 2024 Supervisor's Tentative Budget shall be distributed to the Town Board and Department Heads, and the Finance Department will publish it on the Town's website;

**SEPTEMBER 26, 2023** (Tuesday): Schedule a Public Hearing for October 10, 2023, 7:00 P.M. / Blauvelt Fire Protection District Contract;

**SEPTEMBER 26, 2023** (Tuesday): Schedule a Public Hearing for October 10, 2023, 7:10 P.M. / Regarding the Orangetown Library Districts for a one-year contract (Blauvelt, Orangeburg, Tappan and Palisades);

**SEPTEMBER 26, 2023** (Tuesday): Schedule a Public Hearing for October 10, 2023, 7:15 P.M./ Regarding the 2024 Preliminary Budget; once the Town Board approves modifications to the Tentative Budget (by Resolution(s), it becomes the Preliminary

Budget; and is filed with the Town Clerk and the Director of Finance is authorized to publish it on the Town's website.

**OCTOBER 10, 2023** (Tuesday): Public Hearings: (1) Blauvelt Fire Protection District; (2) Orangetown Library Districts; and (3) 2023 Preliminary Budget

**NOVEMBER 14, 2023** (Tuesday): Public Hearing at 7:00 P.M. / Continuation of Public Hearing on the Preliminary Budget shall be held at Town Hall, Orangeburg, New York. At the conclusion of the Hearing, the Town Board may by resolution adopt a final budget, by either accepting or amending the Preliminary Budget and said budget may become the legally Adopted Budget for the Town of Orangetown for the year commencing January 01, 2024.

**10. CHANGE DATE OF POLICE COMMISSION MEETING / AUGUST 8, 2023 TO AUGUST 22, 2023 / BUDGET PRESENTATION TO TOWN BOARD**

**RESOLVED**, upon the recommendation of the Police Chief, the August 8, 2023 Police Commission meeting is hereby moved to August 22, 2023 starting at 6:30 pm for the Police Department's budget presentation to the Town Board.

**11. SET DATE / STBM OF AUGUST 22, 2023 (TUESDAY) AT 6:00 PM / DEME 2024 BUDGET PRESENTATION TO TOWN BOARD**

**RESOLVED**, that upon the recommendation of the Director of Finance, set date for a STBM on August 22, 2023 (Tuesday) at 6:00 pm regarding DEME's 2024 Budget Presentation to the Town Board.

**12. SET DATE / STBM OF SEPTEMBER 06, 2023 (WEDNESDAY) AT 5:30 P.M. RE: TOWN DEPARTMENTS 2024 BUDGET PRESENTATION TO TOWN BOARD**

**RESOLVED**, that upon the recommendation of the Director of Finance, set date for a STBM on September 06, 2023 (Wednesday) at 5:30 P.M. regarding the Town Departments 2024 Budget Presentation to the Town Board.



13. **SET DATE / RTBM OF SEPTEMBER 12, 2023 (TUESDAY) AT 7:05 P.M.FOR SPECIAL DISTRICTS RE: 2024 BUDGET PRESENTATIONS TO THE TOWN BOARD (BLAUVELT VOLUNTEER FIRE DEPARTMENT FOR THE BLAUVELT FIRE PROTECTION DISTRICT, ROCKLAND PARAMEDICS, SOUTH ORANGETOWN AMBULANCE CORPS, NYACK AMBULANCE CORPS, ORANGEBURG LIBRARY, TAPPAN LIBRARY, PALISADES LIBRARY AND THE BLAUVELT LIBRARY)**

**RESOLVED**, that upon the recommendation of the Director of Finance, set date of September 12, 2023 (Tuesday) at 7:05 P.M. for Special Districts (Blauvelt Volunteer Fire Department for the Blauvelt Fire Protection District, Rockland Paramedics, South Orangetown Ambulance Corps, Nyack Ambulance Corps, Orangeburg Library, Tappan Library, Palisades Library and the Blauvelt Library) regarding their 2024 Budget Presentations to the Town Board.

#### **TOWN ATTORNEY**

14. **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:

- ◆ Gally, Inc., 75 Old Route 304, New City, NY 10956; Tel.: 845-709-0634.

15. **Place Holder \*\* Hold Harmless Agreement**

#### **POLICE**

16. **ACCEPT WITH REGRET, THE RESIGNATION / RETIREMENT OF MARY ANSELM I /ADMINISTRATIVE SECRETARY /POLICE DEPARTMENT / EFFECTIVE JULY 29, 2023**

**RESOLVED**, that the Chief of Police and the Town Board accepts with regret, the resignation/retirement of Mary Anselmi, Administrative Secretary, from the Orangetown Police Department, after nearly 20 years, effective July 29, 2023.

17. **APPOINT SUZANNE DELLI PIZZI / PRINCIPAL CLERK-TYPIST / PROBATIONARY / GRADE 10, STEP 1 / EFFECTIVE JULY 31, 2023**

**RESOLVED**, that upon the recommendation of the Chief of Police, appoint Suzanne Delli Pizzi to the position of Principal Clerk-Typist from Eligible List #66832, Probationary, Grade 10, Step 1 at a salary of \$60,340, effective July 31, 2023.

## FINANCE

18. **AMEND 12/14/21 RESOLUTION NO. 501 TO INCREASE PKF O'CONNOR DAVIES 2022 ACCOUNTING SERVICES FEE BY \$25,000 TO A TOTAL COST OF \$127,900**

**RESOLVED**, upon the recommendation of the Finance Director, the Town of Orangetown Board authorizes a one-time increase of \$25,000 in Accounting Services provided by PKF O'Connor Davies for the Year Ended 2022 due to the additional audit work necessary related to the dissolution of the Village of South Nyack. The additional cost of \$25,000 will be paid from the Legacy District, SM.1320.457.

## ASSESSOR

19. **ADOPT / CURRENT BASE PERCENTAGES AND ADJUSTED BASE PROPORTIONS / 2023 TAX ASSESSMENT ROLL**

**RESOLVED**, that upon the recommendation of the Assessor, the Town Board hereby adopts the Certificate of Current Homestead Base Proportions and Adjusted Base Proportions (Forms 6701 and 6703) pursuant to Article 19, Section 1903 of New York State Real Property Tax Law for the Levy of Taxes based upon the 2023 Assessment Roll, and the Town Clerk is hereby authorized to affix a Town certification.

## AUDIT

20. **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 three (3) warrants (attached) for a total of **\$1,515,021.92**.

## EXECUTIVE SESSION

21. **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.

## ADJOURNMENTS

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

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

- ❖ **William Buchan**, *Resident of Pearl River*
- ❖ **Peter Francis Fegan**, *Resident of Blauvelt*
- ❖ **John Komar**, *Former Orangetown Town Supervisor and County Legislator*