



**TOWN OF ORANGETOWN TOWN BOARD MEETING**

**Tuesday September 12, 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:**

- ★ **Grand Opening for the Orangetown Pickleball Courts on Tuesday, 9/19 at 11:30 am, Veterans Memorial Park, Orangeburg**
- ★ **Pearl River Farmers Market: Fall Harvest Festival 9/23, 9/30, 10/7 & 10/21, 10 am – 2 pm, Central Avenue Field**
- ★ **The following Public Hearings are scheduled for September 26, 2023:**
  - ◆ **Adopt Orangetown Comprehensive Plan**
  - ◆ **Local Law for Proposed Zone Change for 90 West Madison Avenue, Pearl River**
  - ◆ **Local Law for Short Term Property Rentals (Airbnb, VRBO)**
  - ◆ **Local Law for South Nyack Parking**

**PRESENTATIONS:**

**SPECIAL DISTRICTS 2024 BUDGET PRESENTATIONS**

- 7:05 P.M. - 7:10 P.M. Blauvelt Volunteer Fire District (Mike Conklin)**
- 7:10 P.M. - 7:15 P.M. Rockland Paramedics (Kevin Egan)**
- 7:15 P.M. - 7:20 P.M. South Orangetown Ambulance Corps (Pete Roimisher)**
- 7:20 P.M. - 7:25 P.M. Nyack Ambulance Corps (Wm. McDowell)**
- 7:25 P.M. - 7:30 P.M. Orangeburg Library (Grant Zacharias / Michele Galle-Looram)**
- 7:30 P.M. - 7:35 P.M. Tappan Library (Sara Nugent / Vicki Caramante)**
- 7:35 P.M. - 7:40 P.M. Palisades Library (Maria Gagliardi)**
- 7:40 P.M. - 7:45 P.M. Blauvelt Library (Laura Grunweg)**

**DISCUSSION:**

- ◆ **Agritourism / Rockland Cider Works**
- ◆ **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. **ACCEPT PETITION/REQUEST FOR ZONING TEXT AMENDMENT AND DIRECT CIRCULATION OF PROPOSED LOCAL LAW/ HOTEL AND STANDALONE FITNESS CENTER IN LI ZONING DISTRICT**

**WHEREAS**, the owner of premises located at 401 North Middletown Road Pearl River, New York, (Tax Lot 68.08/1/1) being located primarily in the “LI” (Light Industrial) zoning district and partially in the LO (“Laboratory-Office) zoning district, has petitioned the Town Board to change the text of the Zoning Code by Amending Chapter 43, Articles 3, 4 and 11, to permit a hotel and standalone fitness center on parcels of 150 acres or more as a “Special Permit Use” in the LI zoning district; and

**WHEREAS**, upon preliminary review, the Town Board is favorably disposed to such a zoning text amendment, because such uses are compatible with existing permitted uses in the LI district and would only be permitted on parcels of 150 acres or more; and

**WHEREAS**, the Town Board wishes to proceed with its consideration of the proposed action, toward which end it wishes to commence the environmental review process, as well as review by other interested agencies; and

**WHEREAS**, upon review of the Petition, and a Short Environmental Assessment Form prepared at the Town Board’s request by the Office of Building, Zoning, Planning and Administration and Enforcement, and related documents and filings, the Board makes the following preliminary determinations:

1. The proposed action is one subject to review under the State Environmental Quality Review Act (“SEQRA”);
2. The proposed action as an “Unlisted” action; and
3. The following are involved or interested or involved agencies in the review process:

1. Orangetown Planning Board;
2. Rockland County Department of Planning;
3. Rockland County Department of Health;
4. Town of Clarkstown
5. Town of Ramapo
6. Village of Piermont
7. Village of Nyack
8. Village of Chestnut Ridge
9. New York State Department of Transportation

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review under SEQRA, and directs that a Lead Agency Coordination Letter with relevant documents be circulated to and among the various above referenced agencies; and

**BE IT FURTHER RESOLVED**, that the circulation to the Rockland County Department of Planning and the agencies listed above for the purpose of review pursuant to General Municipal Law §§ 239- l & m; and

**BE IT FURTHER RESOLVED**, that, pursuant to Town Code Chapter 43, § 10.5, the Town Board hereby refers the said Petition and a proposed Local Law, amending the Town Zoning Code, to the Town Planning Board, inviting its input regarding, among other things, the implications of such an amendment, and requesting a response within 30-days.

4. **SET PUBLIC HEARING ON PROPOSED ZONE TEXT AMENDMENT FOR LI DISTRICT / HOTEL AND STANDALONE FITNESS**

**RESOLVED** that the Town Board will hold a public hearing on November 14, 2023 at 7:05 p.m., on a proposed Local Law, as follows, amending Chapter 43, "Zoning", § 11.2, Definitions; § 3.11 "Table of General Use Regulations" and §4.3 "Special Permit Uses" to permit a hotel and standalone fitness center in the LI zoning district on lots having 150 acres or more.

5. **AUTHORIZE / CHRISTMAS LIGHTING COMPANY / HOLIDAY LIGHTS / DOWNTOWN PEARL RIVER**

**RESOLVED**, that the Town Board hereby authorizes up to \$15,000 to Christmas Lighting Company to supply holiday lights for display in Downtown Pearl River, to be paid from the Pearl River Parking District budget line item SP 3320.457, and further authorizes the Supervisor or her designee to execute any and all documents for the installation of the holiday lights.

6. **ESTABLISH A FARMERS MARKET / APPROVE AGREEMENT / PIERMONT CREEKSIDE ENTERPRISES, LLC / 2023 FARMERS MARKET MANAGER / PEARL RIVER**

**WHEREAS**, in the furtherance of the public interest and consistent with sustainability efforts, good eating habits, and providing a vast array of services for our residents, it would be appropriate to permit a weekly Farmers Market for selected regional farmers and vendors to sell goods and produce; and

**WHEREAS**, the Town has prepared a proposed Professional Services Agreement with Piermont Creekside Enterprises, LLC to utilize the School District-owned Central Avenue Field in Pearl River for the Farmers Market under the terms and conditions specified by the School District and Town; and

**WHEREAS**, the Town has drafted a Standard License Agreement to be used in conjunction with the Farmers Market to permit Farmers/Vendors to sell fresh farm and related products under certain terms and conditions specified in the Professional Services and Standard License Agreements including a requirement that each Farmer/Vendor submit, as required, a Certificate of Insurance provided for in the proposed License Agreement; and

**NOW THEREFORE BE IT, RESOLVED**, that pursuant to New York General Municipal Law Section 72- p, the Town Board hereby establishes a Farmers Market, to be known as the "Pearl River Farmers Market", for public purposes for the benefit of the community, located in downtown Pearl River, to be held as a Fall Harvest Festival on Saturdays between the hours of 10 am and 2 pm on September 23, 2023, September 30, 2023, October 7, 2023 and October 21, 2023; and

**BE IT FURTHER RESOLVED**, that pursuant to the authority of GML 72- p, Town Board hereby authorizes the Supervisor to execute an Agreement, on behalf of the Town, as proposed and written, subject to final review and approval by the Town Attorney's Office, with Piermont Creekside Enterprises, LLC, to provide professional services including but not limited to: operations, marketing, management, vendor recruitment, and scheduling of the Pearl River Farmers Market, subject to the approval of the Town Board, and

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes the Town Highway Department and Parks & Recreation Department to assist in the implementation of the Pearl River Farmers Market which includes trash cans, electronic message boards and port-o-johns.

**ITEMS PLACED ON AGENDA UPON REQUEST OF COUNCIL MEMBERS BOTTARI, DIVINY AND DONAHUE:**

**7. MEMORANDUM OF AGREEMENT / PBA CONTRACT / 2023-2027**

**RESOLVED**, the Town Board hereby approves the terms of a Memorandum of Agreement (MOA), as an amendment to the existing Collective Bargaining Agreement, by and between the Town of Orangetown and Rockland County Patrolmen's Benevolent Association, Inc., for the Orangetown Police Department, effective January 1, 2023 through December 31, 2027, as such MOA is attached hereto and incorporated herein as part of this resolution; and be it further

**RESOLVED**, the Town Supervisor or her designee is hereby authorized to sign and fully execute said agreement and any related documents as may be necessary to effectuate this resolution.

## HIGHWAY

8. **GRANT PERMISSION / JIM DEAN / ATTEND THE 2023 NYSAOTSOH 94TH ANNUAL CONFERENCE**

**RESOLVED**, that permission is hereby granted for Jim Dean to attend the 2023 NYSAOTSOH 94th Annual Conference, Education Symposium & EXPO Verona, NY, from September 26-29, 2023, with the Town paying cost of courses and travel to be charged to appropriate departmental accounts.

9. **APPROVE/ RFP/ 4" DUCTILE IRON SPRINKLER WATER MAIN INSTALLATION**

**RESOLVED**, that upon the recommendation from the Superintendent of Highways, that the Town Board hereby approves the RFP for 4" Ductile Iron Sprinkler Water Main Installation to Innovative Excavating, LTD., Stony Point, N.Y., the lowest qualified proposer, in the amount of \$31,910.00 to be charged to D.5112.457.04.

## DEME

10. **APPOINT KEVIN MCGARVEY / MAINTENANCE SUPERVISOR (SEWERAGE SYSTEMS) / GRADE 20, STEP 8/13 / EFFECTIVE SEPTEMBER 13, 2023**

**RESOLVED**, upon the recommendation of the Commissioner of DEME, Kevin McGarvey is hereby appointed to Maintenance Supervisor (Sewerage Systems) Grade 20, Step 8/13, Provisional at an annual salary \$129,433 effective September 13, 2023.

## LEND ASSISTANCE

11. **COMBINE / APPROVE AGENDA ITEMS #12 TO 15**

**RESOLVED**, the Town Board hereby combines and approves agenda items #12 to 15.

12. **APPROVE / LEND ASSISTANCE / PEARL RIVER AUTO SHOW / SEPTEMBER 17, 2023**

**RESOLVED**, upon the completion of the necessary paperwork, the Superintendent of Parks, Recreation & Building Maintenance has forwarded to the Town Board for approval the rental of porto-jons (2 regular) for use at the Pearl River Auto Show on September 17, 2023, with the organization providing a certificate of insurance naming the Town of Orangetown as being an additional insured.

**RESOLVED**, upon the recommendation from the Superintendent of Highways, the Town Board hereby authorizes this departments to lend assistance which includes the use of fifteen (15) 55 gallon trash barrels from the Highway Department for use at the Pearl River Auto Show on September 17, 2023.

**13. APPROVE / LEND ASSISTANCE / ROCKLAND COUNTY GAA FDNY VS. NYPD EVENT / SEPTEMBER 23, 2023**

**RESOLVED**, upon the completion of the necessary paperwork, the Superintendent of Parks, Recreation & Building Maintenance has forwarded for approval by the Town Board use of the showmobile at a rental cost of \$500.00 by the Rockland County GAA for the NYPD vs. FDNY Event on September 23, 2023, with the organization providing a certificate of insurance naming the Town of Orangetown as an additional insured.

**14. APPROVE / LEND ASSISTANCE / PEARL RIVER MIDDLE SCHOOL COLOR RUN / SEPTEMBER 30, 2023**

**RESOLVED**, upon the recommendation from the Superintendent of Highways, that the Town Board hereby authorizes that, the Highway Department lends assistance, which includes the use of barricades & cones, for the PRMS Color Run, to be held on Saturday, September 30, 2023.

**15. APPROVE/ LEND ASSISTANCE / 2023 PEARL RIVER DAY FESTIVAL / CENTRAL AVENUE, PEARL RIVER / OCTOBER 14, 2023**

**RESOLVED**, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of trash cans, barricades, electronic message board & detour signs and the distribution of green waste bags & recycling bins to residents from the Highway Department; a police detail provided by OPD, and a Highway Department event perimeter for the annual Pearl River Day Festival to be held on Saturday, October 14, 2023, from 7 am to 7 pm.

**TOWN CLERK**

**16. 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: July 11 & August 22, 2023 Police Commission; July 11 & 25 and August 22, 2023 Regular Town Board Meeting; and August 22 & 29, 2023 Special Town Board Meeting.

**AUDIT**

**17. 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 four (4) warrants (attached) for a total of \$3,415,023.20.

## EXECUTIVE SESSION

### 18. 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

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

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

- ❖ **Edward J. Dempsey**, *Resident of South Nyack and Brother of Orangetown Employee Eileen Fitzpatrick*
- ❖ **Joseph J. McKenna**, *Resident of Tappan*
- ❖ **MaryAnne Spagna Quirk**, *Former Resident of Blauvelt*