



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday November 14, 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

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. **OPEN PUBLIC HEARING / RTBM OF NOVEMBER 14, 2023 AT 7:05 P.M. / PROPOSED ZONE TEXT AMENDMENT FOR LI DISTRICT HOTEL AND STANDALONE FITNESS CENTER / PEARL RIVER CAMPUS, LLC D/B/A HUDSON VALLEY iCAMPUS**

RESOLVED, that the Public Hearing regarding the Proposed Zone Text Amendment for LI District Hotel and Standalone Fitness Center / Pearl River Campus, LLC d/b/a Hudson Valley iCampus (68.08-1-1) is hereby opened.

PRESENTATION of Affidavit of Public Hearing posting and publication.

SUMMARY OF COMMENTS:

4. **CLOSE / CONTINUE PUBLIC HEARING / PROPOSED ZONE TEXT AMENDMENT FOR LI DISTRICT HOTEL AND STANDALONE FITNESS CENTER / PEARL RIVER CAMPUS, LLC D/B/A HUDSON VALLEY iCAMPUS**

RESOLVED, that the Public Hearing regarding the proposed Zone Text Amendment for LI District Hotel and Standalone Fitness Center / Pearl River Campus, LLC d/b/a Hudson Valley iCampus (68.01-1-1) is hereby closed or continued to_____.

5. **OPEN PUBLIC HEARING / RTBM OF NOVEMBER 14, 2023/ AT 7:10 PM / CHAPTER 24C-15 (PROPERTY MAINTENANCE) OF THE TOWN CODE / PERFORMING WORK ON 202 OLD PASCACK ROAD, PEARL RIVER, NY**

RESOLVED, the Public Hearing is hereby opened.

PRESENTATION of Affidavit of Public Hearing posting and publication.

SUMMARY OF COMMENTS:

6. **CLOSE / CONTINUE PUBLIC HEARING / CHAPTER 24C-15 (PROPERTY MAINTENANCE) OF THE TOWN CODE / PERFORMING WORK ON 202 OLD PASCACK ROAD, PEARL RIVER, NY**

RESOLVED, the Public Hearing is hereby closed or continued to_____.

7. **APPROVE / PERFORMING WORK ON 202 OLD PASCACK ROAD, PEARL RIVER (68.14/2/28)**

WHEREAS, the Town Board having conducted a public hearing in accordance with the property maintenance provisions of Chapter 24C- 15 of the Town Code with respect to the property located at 202 Old Pascack Road, Pearl River, New York, identified as tax lot section 68.14 block 2, lot 28 and

WHEREAS, the Town Board having found that the owner of the premises located at 202 Old Pascack Road (68.14/2/28), having been served with a Notice of Violation for failure to maintain grass and landscaping at the premises, and for having debris on the property, and the owner having failed to remedy the violations; and

WHEREAS, the Town Board has determined that the owner has failed to remedy these violations, and seeks to take action pursuant to Town Code §24C-15 to remove any vermin, nuisance, hazard, debris, and litter, which is a Type II action under the New York State Environmental Quality Review Act (SEQRA) thus requiring no further environmental review,

NOW THEREFORE BE IT RESOLVED that the Town Board directs that the Town, its designee, agent or private contractor, to clean up the property located at 202 Old Pascack Road, Pearl River, New York, (68.14/2/28), which cost shall become a lien charge upon the property until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges pursuant to Town Code §24C-15(B).

8. **OPEN PUBLIC HEARING / RTBM OF NOVEMBER 14, 2023/ AT 7:15 PM / CHAPTER 24C-15 (PROPERTY MAINTENANCE) OF THE TOWN CODE / PERFORMING WORK ON 218 OLD PASCACK ROAD, PEARL RIVER, NY**

RESOLVED, the Public Hearing is hereby opened.

PRESENTATION of Affidavit of Public Hearing posting and publication.

SUMMARY OF COMMENTS:

9. **CLOSE / CONTINUE PUBLIC HEARING / CHAPTER 24C-15 (PROPERTY MAINTENANCE) OF THE TOWN CODE / PERFORMING WORK ON 218 OLD PASCACK ROAD, PEARL RIVER, NY**

RESOLVED, the Public Hearing is hereby closed or continued to _____.

10. **APPROVE / PERFORMING WORK ON 218 OLD PASCACK ROAD, PEARL RIVER (68.14/2/30)**

WHEREAS, the Town Board having conducted a public hearing in accordance with the property maintenance provisions of Chapter 24C- 15 of the Town Code with respect to the property located at 218 Old Pascack Road, Pearl River, New York, identified as tax lot section 68.14 block 2, lot 30 and

WHEREAS, the Town Board having found that the owner of the premises located at 218 Old Pascack Road (68.14/2/30), having been served with a Notice of Violation for failure to maintain grass and landscaping at the premises, and for having debris on the property, and the owner having failed to remedy the violations; and

WHEREAS, the Town Board has determined that the owner has failed to remedy these violations, and seeks to take action pursuant to Town Code §24C-15 to remove any vermin, nuisance, hazard, debris, and litter, which is a Type II action under the New York State Environmental Quality Review Act (SEQRA) thus requiring no further environmental review,

NOW THEREFORE BE IT RESOLVED that the Town Board directs that the Town, its designee, agent or private contractor, to clean up the property located at 202 Old Pascack Road, Pearl River, New York, (68.14-2-30), which cost shall become a lien charge upon the property until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges pursuant to Town Code §24C-15(B).

11. RESUME PUBLIC HEARING FROM OCTOBER 24, 2023 / 7:20 PM / 2024 PRELIMINARY BUDGET

RESOLVED, that the Public Hearing regarding the 2024 Preliminary Budget from October 24, 2023 is hereby resumed.

12. CLOSE / CONTINUE PUBLIC HEARING / 2024 PRELIMINARY BUDGET

RESOLVED, that the Public Hearing regarding the 2024 Preliminary Budget is hereby closed or continued to _____.

13. APPROVE AMENDMENTS / 2024 PRELIMINARY BUDGET

Note: Vote on amendments to the 2024 Preliminary Budget.

Changes to Supervisor stage

- 1 Grade change for Lisa Porco - Highway \$3k approved from resolution #511
- 2 New accounting - GASB 87 & 96 implementation \$15k
- 3 (B.3621.465.17) Fire Safety uniforms increase from \$200 to \$1500.
- 4 Increase Interest Income \$500K
- 5 Increase Building Dept. Fees \$500K
- 6 Updated tax certiorari expense \$133K from county
- 7 Increase Brush & Weeds 2x OT by \$30K
- 8 Increase Unclassified Revenue Highway by \$34K

14. APPROVE 2024 PRELIMINARY BUDGET AS AMENDED

RESOLVED, that the Town Board hereby approves the 2024 Preliminary Budget, as amended, as the 2024 Adopted Budget.

BE IT FURTHER RESOLVED, the Director of Finance is authorized to adjust the fund balance to accommodate these changes, all the while, staying under the levy tax cap.

BE IT FURTHER RESOLVED, the Director of Finance is authorized to make the 2024 Adopted Budget available on the Town's website and file it in the Office of the Town Clerk.

15. **AUTHORIZING RETENTION OF BECKMANN APPRAISALS, INC. FOR APPRAISAL SERVICES**

RESOLVED, the Town Board hereby approves the retention of Beckmann Appraisals to conduct an appraisal of certain real property the Town is considering purchasing for public use, at a cost of \$3,500.00, pursuant to a written proposal dated October 20, 2023, incorporated herein by reference.

16. **EXPRESSION OF INTEREST / RPC PUMP STATION / DASNY/ OMH**

WHEREAS, the Dormitory Authority of the State of New York (DASNY) and New York State Office of Mental Health (OMH) have expressed an interest in selling to the Town certain land and facilities, known as a sewer pump station, force main and collection system located at the Rockland Psychiatric Campus (RPC) located in Orangeburg, New York, and

WHEREAS, the Town has reviewed the matter and is willing to proceed with further discussion with appropriate parties regarding the potential for purchasing said land and facilities, and,

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby expresses its interest in pursuing the purchase of the facilities located on land currently owned and operated by DASNY and OMH, located at the Rockland Psychiatric Campus (RPC) in Orangeburg, New York, which facilities consist of a sewer pump station, force main and collection system.

17. **APPROVE / AGREEMENT / EVCONNECT / ORANGETOWN TOWN HALL CHARGING STATIONS / 5 YEARS**

WHEREAS, as part of the Town Hall Addition Project, Orangetown has purchased 8 electric vehicle (EV) charging stations to be installed at Town Hall in Orangeburg, which EV charging station software was not included in the purchase; and,

WHEREAS, Sourcewell, formerly known as the National Joint Powers Alliance ("NJPA"), is a public entity whose creation was authorized by the State of Minnesota, pursuant to Minn. Stat. § 123A.21; and,

WHEREAS, Sourcewell is permitted to engage in cooperative purchasing, pursuant to Minn. Stat. § 471.345, for supplies, materials and equipment based on sealed competitive bid, direct negotiation or best value, based on the estimated cost of the item; and,

WHEREAS, in or about March 4, 2021 Sourcewell, issued a Request for Proposal for EV charging software, which proposals were due, received and opened publicly on April 22, 2021; and,

WHEREAS, as a result thereof, EVConnect entered into and has a contract with Sourcewell for electric vehicle charging station software and the Town may, pursuant to Chapter 1A of the Town Code and New York General Municipal Law §103(16), enter into a contract with EVConnect as part of the Sourcewell Contract #042221-EVC; and,

WHEREAS, the Town is already in contract with EVConnect for charging station software at Depot Square in Sparkill and the train station in Pearl River pursuant to a Sourcewell Contract; and,

NOW, THEREFORE BE IT RESOLVED, upon the recommendation of the Supervisor's Office, the Town Board hereby approves to enter into a 5-year contract with EVConnect for the Operate software subscription, not to exceed \$6,880, to be paid from the following budget line item SP.3320.457; and,

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to sign the agreement with EVConnect, subject to review and approval of the Town Attorney.

PARKS & RECREATION

18. APPROVE / PROFESSIONAL SERVICES AGREEMENT / BLUE HILL AND BROADACRES GOLF COURSES / JIM RYAN GOLF COURSE DESIGN

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation and Building Maintenance approve the agreement with Jim Ryan Golf Course Design for Golf Architectural Oversight/Master Planning for Blue Hill and Broadacres Golf Courses in the amount of \$15,500.00.

TRAFFIC ADVISORY BOARD

19. MEMORIALIZING REQUEST FOR TRAFFIC SIGNAL STUDY AT THE INTERSECTION OF ROUTE 9W, SOUTH BROADWAY AND OLD MOUNTAIN ROAD IN UPPER GRANDVIEW

WHEREAS, the intersection of New York State Route 9W, South Broadway, and Old Mountain Road in the Hamlet of Upper Grandview, has seen increased hazardous conditions since the opening of the Governor Mario M. Cuomo Bridge resulting in many vehicle accidents; and

WHEREAS, residents living in the vicinity of this intersection have reported numerous accidents involving vehicles and pedestrians to the Orangetown Traffic Advisory Board; and

WHEREAS, this intersection of New York State Route 9W, South Broadway, and Old Mountain Road in the Hamlet of Upper Grandview previously contained a temporary three-color traffic signal due to the partial demolition of an overpass on South Broadway which helped to create less hazardous conditions in this section; and

WHEREAS, this intersection of New York State Route 9W, South Broadway, and Old Mountain Road in the Hamlet of Upper Grandview currently contains traffic control devices, including a flashing beacon and signs restricting turns; and

WHEREAS, the Orangetown Traffic Advisory Board has considered the accident history and the concerns of residents of residents living in the vicinity of this intersection of New York State Route 9W, South Broadway, and Old Mountain Road in the Hamlet of Upper Grandview about the need for a three-color traffic signal to replace the flashing beacon; and

WHEREAS, it is in the direct interest of the Town of Orangetown to maintain the safety of our residents and visitors in the Hamlet of Upper Grandview; and

NOW, THEREFORE, BE IT RESOLVED, that upon the recommendation of the Traffic Advisory Board, the Town Board of the Town of Orangetown hereby requests that the New York State Department of Transportation conduct a traffic signal study at the intersection of New York State Route 9W, South Broadway, and Old Mountain Road in the Hamlet of Upper Grandview; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to send a copy of this resolution to the New York State Department of Transportation, Hudson Valley Region, and to such other persons as the Clerk, in her discretion, may deem proper in order to effectuate the purpose of this resolution.

20. **SET PUBLIC HEARING ON PROPOSED AMENDMENT TO CHAPTER 39, ARTICLE I, SECTION 39-1(A), HEAVY TRUCKING IN THE HAMLET OF PEARL RIVER, OF THE TOWN CODE / OLD MIDDLETOWN ROAD**

RESOLVED, that the Town Board will hold a public hearing on December 12, 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- 11(A)(9) Heavy Trucking in the Hamlet of Pearl River with respect to the enactment of a five-ton vehicle weight restriction on Old Middletown Road between Gilbert Avenue and South Middletown Road.

DEME

21. **ACCEPT WITH REGRET, THE RESIGNATION OF ASHLEY SCHUTTER / ACCOUNT CLERK-TYPIST / DEME EFFECTIVE OCTOBER 28, 2023**

RESOLVED, that the Commissioner of D.E.M.E. and the Town Board accepts with regret, the resignation of Ashley Schutter, Account Clerk-Typist, from D.E.M.E./Sewer Department, effective October 28, 2023.

ASSESSOR

22. **OPTING TO INCLUDE IRA INCOME, OR DISTRIBUTIONS, IN TOTAL HOUSEHOLD ADJUSTED GROSS INCOME, FOR PURPOSES OF DETERMINING QUALIFICATION FOR THE AGED / SENIOR CITIZEN PROPERTY TAX EXEMPTION (RPTL §467), BEGINNING WITH THE 2024 TOWN ASSESSMENT ROLL**

WHEREAS , the Town of Orangetown offers Senior Citizens or Aged taxpayers, who are 65 years of age or over, an exemption to reduce yearly Town tax amounts through the New York State (NYS) “aged exemption,” pursuant to NYS Real Property Law (RPTL) §467, with qualifications based on yearly household income under \$58,400 through a sliding scale as set forth in RPTL §467.

WHEREAS, up to this year, the basis for defined income was Gross Income as noted in Federal or State income tax returns, plus Social Security payments, and other income from business.

WHEREAS, beginning with the 2024 Town of Orangetown Assessment Roll, income will now be defined as Adjusted Gross Income, as prescribed in the amended RPTL §467,

which may allow an inordinate amount of taxpayers to be qualified for the aged exemption, and which statutory amendment does not adhere to the original intention of the aged exemption in the Town Board's opinion; namely, an exemption for senior citizens on fixed incomes, or who are destitute homeowners, in need of help to pay property tax bills; and thus, this statutory change, places an unnecessary property tax burden on those who are not qualified, or who are not senior citizens, and who will have to subsidize this aged exemption through higher tax rates.

THEREFORE, BE IT RESOLVED, in order to minimize the burden on those who are not qualified for the RPTL §467 aged exemption, or those who are not senior citizens, the Town of Orangetown hereby opts to include Individual Retirement Account (IRA) income, or distributions, as part of the total household Adjusted Gross Income, which local legislative option is allowed in the amended RPTL §467, beginning with the 2024 Town Assessment Roll.

LEND ASSISTANCE

23. APPROVE / LEND ASSISTANCE / SHOWMOBILE / SAINT THOMAS AQUINAS / WINTER WONDERLAND FAMILY FESTIVAL / DECEMBER 1, 2023

RESOLVED, that upon the completion of the necessary paperwork the Superintendent of Parks, Recreation and Building Maintenance has forwarded to the Town Board for approval the use of the showmobile by Saint Thomas Aquinas College for their Winter Wonderland Family Festival to be held on December 1, 2023 at a rental cost of \$500.00. Saint Thomas Aquinas College has provided a certificate of insurance for this event.

24. APPROVE / LEND ASSISTANCE / ORANGEBURG VFD HOLIDAY PARADE / PORTO-JONS & SHOWMOBILE / DECEMBER 9, 2023

RESOLVED, that upon the completion of the necessary paperwork, the Superintendent of Parks, Recreation and Building Maintenance has forwarded to the Town Board for approval the rental of ten porto-jons; 9 regular and 1 handicapped and the showmobile at a rental cost of \$500.00 to be used on December 9, 2023 for the Orangeburg Volunteer Fire Department Holiday Parade. The Orangeburg Fire Department has provided a certificate of insurance for this event.

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 three (3) warrants (attached) for a total of **\$2,868,101.15**.

EXECUTIVE SESSION

26. ENTER EXECUTIVE SESSION

RESOLVED, at ____ pm, the Town Board entered Executive Session to discuss matters relating to employment.

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:

- ❖ **Catherine Bellifemine**, *Resident of Pearl River*
- ❖ **Thomas Gerondel**, *Resident of Pearl River*
- ❖ **John Sanford**, *Resident of Piermont*
- ❖ **Lottie Swann-Crawford**, *Resident of Sparkill and former Rockland County Human Rights Commissioner*