



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday November 28, 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:

- ◆ **32nd Annual Santa Claus 5K Run on Sunday, December 10, 2023. Please visit orangetown.com to sign up.**

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 NOVEMBER 28, 2023 AT 7:05 P.M. / RE: PROPOSED ZONE TEXT AMENDMENT / SPECIAL PERMIT USE / FARM WINERY/CIDERY**

RESOLVED, that the Public Hearing regarding the Proposed Zone Text Amendment / Special Permit Use / Farm Winery / Cidery is hereby opened.

PRESENTATION of Affidavit of Public Hearing posting and publication.

SUMMARY OF COMMENTS:

4. **CLOSE OR CONTINUE PUBLIC HEARING / PROPOSED ZONE TEXT AMENDMENT / SPECIAL PERMIT USE / FARM WINERY/CIDERY**

RESOLVED , that the Public Hearing regarding the Proposed Text Amendment / Special Permit Use / Farm Winery / Cidery is hereby closed or continued to _____.

5. **RESUME PUBLIC HEARING OF SEPTEMBER 26, 2023 / 7:10 P.M. / PROPOSED AMENDMENT TO TOWN CODE / CHAPTER 24 "PARKING LOTS & METERS" AND CHAPTER 39 "VEHICLES & TRAFFIC" / HAMLET OF SOUTH NYACK**

RESOLVED, that the public hearing for proposed amendment to Town Code, Chapter 24 "Parking Lots and Meters" and Chapter 39 "Vehicles & Traffic" in the hamlet of South Nyack is hereby resumed.

Summary of Comments:

6. **CLOSE / CONTINUE PUBLIC HEARING / PROPOSED AMENDMENT TO TOWN CODE / CHAPTER 24 "PARKING LOTS & METERS" CHAPTER 39 "VEHICLES & TRAFFIC" / HAMLET OF SOUTH NYACK**

RESOLVED, that the public hearing for proposed amendment to Town Code, Chapter 24 "Parking Lots and Meters" and Chapter 39 "Vehicles & Traffic" in the hamlet of South Nyack is hereby closed or continued to _____.

7. ****PLACE HOLDER** ADOPT**

8. **SET DATE / PUBLIC HEARING / RTBM OF JANUARY 23, 2024 AT 7:05 P.M. / PROPOSED AMENDMENT TO TOWN CODE / CHAPTER 43, ARTICLE IV / SPECIAL PERMIT / OUTDOOR PARKING AND STORAGE OF VEHICLES**

RESOLVED, the Town Board will hold a Public Hearing on January 23, 2024 at 7:05 pm on a proposed amendment to the Town Code, CHAPTER 43, Zoning, Article IV, Section 4.32(Q) regarding renewal periods for Special Permit, permitting the outdoor storage of vehicles under certain enumerated conditions.

9. **DECLARATION OF INTENTION OF TOWN BOARD TO SERVE AS LEAD AGENCY PURSUANT TO SEQRA / PROPOSED LOCAL LAW/ SPECIAL PERMIT / OUTDOOR STORAGE OF VEHICLES**

WHEREAS, the Town Code currently provides for the issuance of Special Permits for the temporary outdoor storage of vehicles under certain terms and conditions, and

WHEREAS, the Town Board is desirous of permitting the temporary outdoor storage of vehicles under certain terms and conditions, and

WHEREAS, upon review of the proposed Local Law, Short Environmental Assessment Form, 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:
 - ★ Orangetown Planning Board;
 - ★ Rockland County Department of Planning;

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 further be 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 proposed Local Law, amending the Town 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.

10. **AUTHORIZE / CANDLE AGREEMENT / 2024**

RESOLVED that the Town Board hereby authorizes the Supervisor, or her designated representative, to sign an Agreement between the TOWN and Community Awareness Network for a Drug-Free Life and Environment, Inc. ("CANDLE"), at a cost to the TOWN of TWENTY FIVE THOUSAND AND 00/100 (\$25,000.00) DOLLARS pursuant to which CANDLE shall provide programs and services to promote the prevention of substance abuse and violence amongst the youth of the Town of Orangetown during and throughout calendar year 2024.

11. **APPROVE 2024 AGREEMENT WITH HUDSON VALLEY HUMANE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS FOR SHELTER/POUND SERVICES**

RESOLVED, that the Town Board authorizes and approves an Agreement with Hudson Valley Humane Society for the Prevention of Cruelty to Animals by quarterly payments for fiscal year 2024 for the statutory shelter/pound services required to be provided by the Town, in accordance with the terms of the Agreement, a copy of which is expressly incorporated herein by reference, and the Supervisor is hereby authorized to sign same.

12. **APPROVE ONE YEAR CONTRACT 2024/ FIRE PROTECTION SERVICES/ BLAUVELT FIRE PROTECTION DISTRICT/ BLAUVELT VOLUNTEER FIRE COMPANY INC.**

RESOLVED, that the Town Board hereby approves a ONE (1) YEAR contract with the Blauvelt Volunteer Fire Company, Inc., for Fire Protection Services in and throughout the Blauvelt Fire Protection District, within the Town, for year 2024, in the sum of SIX HUNDRED SIXTY-FOUR THOUSAND FOUR HUNDRED AND 00/100 (\$664,400.00) DOLLARS, (which sum includes Workers Compensation Insurance), and as otherwise in accordance with the terms of the Contract incorporated herein by reference.

13. **APPROVE / ONE YEAR CONTRACT FOR LIBRARY SERVICES 2024/ ORANGETOWN LIBRARY DISTRICT / CONTRACTS WITH THE BLAUVELT FREE LIBRARY, THE ORANGEBURG LIBRARY, THE PALISADES FREE LIBRARY, AND THE TAPPAN FREE LIBRARY**

RESOLVED, that the Town Board hereby approves a ONE (1) Year Contract with the Blauvelt Free Library, the Orangeburg Library, the Palisades Free Library and the Tappan Free Library, for library services in and throughout the boundaries of their district as set forth within the Orangetown Library District (and including the residents of Sparkill as delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012) in the Town for calendar year 2024, as follows:

BLAUVELT: RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a ONE (1) year contract, on behalf of the Town, as proposed and written, for SEVEN HUNDRED FOURTEEN THOUSAND FOUR HUNDRED AND 00/100 (**\$714,400.00**) DOLLARS, with the Blauvelt Free Library to provide library services to residents of Blauvelt, as well as to the residents of the Sparkill area delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012, within the Town, and otherwise in accordance with the terms of a contract incorporated herein by reference.

ORANGEBURG: RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a ONE (1) year contract, on behalf of the Town, as proposed and written, for FIVE HUNDRED SEVENTY-ONE THOUSAND TWO HUNDRED AND 00/100 (**\$571,200.00**) DOLLARS, with the Orangeburg Library to provide library services to residents of Orangeburg, as well as to the residents of the Sparkill area delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012, within the Town, and otherwise in accordance with the terms of a contract incorporated herein by reference

PALISADES: RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a ONE (1) year contract, on behalf of the Town, as proposed and written, for THREE HUNDRED NINETY-SEVEN THOUSAND ONE HUNDRED NINETY-ONE AND

00/100 (**\$397,191.00**) DOLLARS, with the Palisades Free Library to provide library services to residents of Palisades, as well as to the residents of the Sparkill area delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012, within the Town, and otherwise in accordance with the terms of a contract incorporated herein by reference.

TAPPAN: RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a ONE (1) year contract, on behalf of the Town, as proposed and written, for SEVEN HUNDRED THIRTY THOUSAND SEVEN HUNDRED FIFTEEN AND 00/100 (**\$730,715.00**) DOLLARS, with the Tappan Free Library to provide library services to residents of Tappan, as well as to the residents of the Sparkill area delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012, within the Town, and otherwise in accordance with the terms of a contract incorporated herein by reference.

TOWN BOARD / IT

14. RENEW AGREEMENT / TOSHIBA / COPIER LEASES

RESOLVED, that upon the recommendation of the Director of Finance and the Information Services & Equipment Specialist, the Town Board hereby approves an AGREEMENT between the Town of Orangetown and Toshiba Business Solutions for the lease of 16 copiers, related equipment, supplies and maintenance at the cost of \$2,377.00 per month for 63 months.

HIGHWAY

15. APPROVE / DROP OFF CENTER / PERMIT FEE INCREASE

RESOLVED, upon the recommendation of the Superintendent of Highways, that per approved preliminary 2024 budget, the annual fee for the Drop Off Center, for acceptable materials, other than green waste, shall be a charge of \$60.00, effective January 1, 2024.

The first-time use, other than green waste, for the current year, the Drop Off Center is free.

PARKS AND RECREATION

16. APPROVE CARETAKER AGREEMENT 2024 / HENRY V. BORST PARK / 5% INCREASE

RESOLVED, that the caretaker agreement for the property located at 212 North Main Street, Pearl River, New York (Henry V. Borst Park), with a five (5%) percent increase for a new fee of ONE THOUSAND THREE HUNDRED SIXTY-FIVE AND 00/100 (\$1,365.00) DOLLARS per month, for a term from January 1, 2024 through December 31, 2024, between the Town and BRIAN EDWARDS is hereby approved and the Supervisor is hereby authorized to sign same.

17. APPROVE CARETAKER AGREEMENT 2024/ NIKE PARK / 5% INCREASE

RESOLVED, that the caretaker agreement for the property located at 1 Nike Lane, Orangeburg, New York (Nike Park), with a five (5%) percent increase, for a fee of ONE

THOUSAND THREE HUNDRED THIRTY AND 00/100 (\$1,330.00) per month for a term from January 1, 2024 through December 31, 2024, between the Town and LOUIS CAPUTO is hereby approved and the Supervisor is hereby authorized to sign same.

POLICE

18. **ACCEPT RESIGNATION / RETIREMENT POLICE OFFICER ANDREW DEMEOLA / POLICE DEPARTMENT / EFFECTIVE NOVEMBER 30, 2023**

RESOLVED, that upon the recommendation of the Chief of Police, accept with regret, the resignation/retirement of Police Officer Andrew DeMeola, from the Orangetown Police Department effective November 30, 2023.

FINANCE

19. **APPROVE / ENGAGEMENT LETTER / CAPITAL MARKET ADVISORS / FINANCIAL ADVISOR**

RESOLVED, based on the recommendation of the Director of Finance, the Town Board is authorizing the Director of Finance to sign an engagement letter with Capital Market Advisors to act as the Financial Advisor for the Town in any upcoming bond issuance. There is no increase in fees, and the cost associated depends on the size of the bond offering. The cost for the continuing disclosure to the SEC is \$2,600 annually.

20. **APPROVE / ENGAGEMENT LETTER / PKF O'CONNOR DAVIES / AUDITING SERVICES / 2 YEAR TERM**

RESOLVED, that the Town Board authorizes the Director of Finance to sign the engagement letter with PKF O'Connor Davies to perform auditing services for the Town. The engagement letter is for a 2 year term and includes an annual average increase of 1.4%. The cost to the Town would be \$105,000 in 2023 and \$107,000 in 2024.

ASSESSOR

21. **APPROVE / RATIFY GRADE CHANGE/ REAL PROPERTY DATA COLLECTOR II / ASSESSORS OFFICE**

RESOLVED, that upon the recommendation of the Labor Management Committee, the position of Real Property Data Collector II, presently a grade 7 position in the Assessors Office, is hereby reclassified to a grade XX position.

22. **APPOINT KATRINA MORRISON / REAL PROPERTY DATA COLLECTOR II / PERMANENT / GRADE XX, STEP XX / EFFECTIVE NOVEMBER 26, 2023**

RESOLVED, upon the recommendation of the Personnel Administrator, rescind resolution No. 283 from 06/29/2021 and re-appoint Katrina Morrison to the position of Real Property Data Collector II, Grade XX, Step XX at a salary of XX, permanent, effective November 26, 2023.

23. **RECLASSIFY / REAL PROPERTY APPRAISER / APPOINT / HUGH J. DAVIES / SENIOR REAL PROPERTY APPRAISER / EFFECTIVE NOVEMBER 29, 2023**

RESOLVED, upon the approval of a PO 27 Rockland County Personnel Department and the recommendation of the Labor Management Committee, reclassify the position of Real Property Appraiser to Senior Real Property Appraiser, and appoint Hugh J. Davies to the position, Grade 17 Step 8/13, at a salary of \$111,263.00 effective November 29, 2023.

LEND ASSISTANCE

24. **APPROVE / LEND ASSISTANCE / PEARL RIVER ROTARY CLUB / SHARE CHRISTMAS & THE HOLIDAYS / DECEMBER 15, 2023**

RESOLVED, upon completion of all necessary paperwork and the recommendation of the Superintendent of Highways and Chief of Police the Town Board hereby approves the Pearl River Rotary Club's request for assistance, which includes police detail from the Police Department and an enhanced security perimeter, barricades, trash barrels, and a message board from the Highway Department for their Share Christmas and the Holidays Event to be held on Friday, December 15, 2023 from 6pm-10pm with a rain date of December 22, 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 two porto-jons and the use of the showmobile by the Pearl River Rotary Club for the Share Christmas & The Holidays event to be held on Friday, December 15, 2023. The Pearl River Rotary Club will provide a certificate of insurance for the event and pay the showmobile rental fee of \$500.00.

TOWN CLERK

25. **APPROVE / TOWN BOARD MEETING 2024 CALENDAR**

RESOLVED, that the following 2024 Town Board Meeting Calendar is hereby approved:

01/09/24 Re-Organizational Meeting
01/23/24 Police Commission / Regular Town Board Meeting
02/06/24 Police Commission / Regular Town Board Meeting
02/20/24 Regular Town Board Meeting
03/05/24 Police Commission / Regular Town Board Meeting
03/19/24 Regular Town Board Meeting
04/02/24 Police Commission / Regular Town Board Meeting
04/16/24 Regular Town Board Meeting
05/07/24 Police Commission / Regular Town Board Meeting
05/21/24 Regular Town Board Meeting
06/11/24 Police Commission / Regular Town Board Meeting
06/25/24 Regular Town Board Meeting
07/09/24 Police Commission / Regular Town Board Meeting
07/23/24 Regular Town Board Meeting
08/06/24 Police Commission / Regular Town Board Meeting
08/20/24 Regular Town Board Meeting
09/10/24 Police Commission / Regular Town Board Meeting
09/24/24 Regular Town Board Meeting
10/08/24 Police Commission / Regular Town Board Meeting
10/22/24 Regular Town Board Meeting
11/12/24 Police Commission / Regular Town Board Meeting
11/26/24 Regular Town Board Meeting
12/17/24 Police Commission / Regular Town Board Meeting

Police Commission Meetings start at 6:30 pm; Town Board Meetings begin at 7:00 pm.

26. **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: October 24th, 2023 Police Commission and October 10th & October 24th, 2023 Regular Town Board Meeting.
2. 2023 Comprehensive Plan
3. Agreement & Contracts:

Tappan Fire District, Temporary License Agreement, to use a portion of Tappan Memorial Park for removal of trees located on the fire district's property.

AUDIT

27. 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 **\$1,499,501.08**.

EXECUTIVE SESSION

28. ENTER EXECUTIVE SESSION

RESOLVED, at _____ pm, the Town Board entered Executive Session to discuss matters relating to employment and the proposed acquisition/sale/lease of real property when publicity might affect value.

ADJOURNMENTS

29. RE-ENTER RTBM / ADJOURNED / MEMORY

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

Mary Reilly, *Mother of Commissioner Eamon Reilly of DEME*