



## 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](http://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. **ADOPT A NEGATIVE DECLARATION WITH RESPECT TO LOCAL LAW NO. \_\_\_\_ OF 2023, AMENDING CHAPTER 24 OF THE TOWN CODE ENTITLED " PARKING LOTS & METERS" AND CHAPTER 39 OF THE TOWN CODE ENTITLED "VEHICLES AND TRAFFIC" / HAMLET OF SOUTH NYACK**

**WHEREAS**, the Town Board has considered the adoption of a Local Law, amending Chapter 24 of the Town Code entitled "Parking Lots & Meters" and Chapter 39 of the Town Code entitled "Vehicles and Traffic" to provide for rules and regulations with respect to parking in the former Village of South Nyack; and

**WHEREAS**, on or about August 22, 2023 via Town Board Resolution 2023-432, the Town Board circulated amongst various potential interested agencies notice of its intention to assume Lead Agency status for the purpose of the environmental review of the above referenced action; and

**WHEREAS**, being the only Involved Agency, the Town Board hereby assumes the role of Lead Agency for environmental review; and

**WHEREAS**, acting in its capacity as Lead Agency for environmental review, and after taking a “hard look” at all of the potential environmental impacts that might result from the proposed action, the Town Board has concluded that there will be no significant environmental impact or effect caused or occasioned by the proposed change in the zoning classification of the subject parcel,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby adopts the Negative Declaration annexed hereto, and authorizes the Town Supervisor or her designated agent to execute the Environmental Assessment Form and to take such other and further steps as may be necessary to discharge the Town Board’s responsibilities as Lead Agency.

8. **ADOPT LOCAL LAW AMENDING TOWN CODE / CHAPTER 24 “PARKING LOTS AND METERS / CHAPTER 39 “VEHICLES AND TRAFFIC / HAMLET OF SOUTH NYACK**

**WHEREAS**, the Town Board of the Town of Orangetown (the “Town Board”) is the duly elected legislative body of the Town, authorized to adopt amendments to the Town’s Code; and

**WHEREAS**, the Town Board has considered the adoption of an amendment to Chapters 24, and Chapter 39 of the Town Code to provide for rules and regulations for parking in the hamlet of South Nyack, which are currently addressed in the former Village of South Nyack Code, which will expire in March, 2024, and

**WHEREAS**, by Resolution No. \_\_\_\_ of 2023, after notice duly given, and there being no other involved agency, by resolution duly adopted this 28<sup>th</sup> day of November, 2023, the Town Board assumed the role of Lead Agency under SEQRA for environmental review, and, acting in its capacity as such, concluded that there will be no significant environmental impact or effect caused or occasioned by the proposed change in the Town’s Code and determined the issuance of Negative Declaration is appropriate; and

**WHEREAS**, following due notice, a public hearing was conducted on the proposed zone change amendment; and

**WHEREAS**, the Town Planning Board, pursuant to Town Code Chapter 43, § 10.5, and the Rockland County Planning Department, pursuant to General Municipal Law §§ 239 I & m, have each reviewed the proposed law; and

**WHEREAS**, the Town Planning Board, by Memorandum, dated September 27, 2023, following due consideration at a public meeting held on the same date, has indicated that it does not object to the Town Board serving as Lead Agency on the matter and otherwise had no comment on the proposed action by the Town Board, and

**WHEREAS**, the Rockland County Department of Planning, as part of the General Municipal Law 239 (l) and (m) review, by letter review dated September 19, 2023, has recommended a modification regarding a street name, which has been addressed by the LaBerge Group, the Town's consultant in this matter and addressed as part of the local law,

**NOW, THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, AND THE FINDINGS MADE HEREIN, BE IT RESOLVED**, that the Town Board hereby adopts the within Local Law, amending the Town Code Chapter 24, entitled "Parking Lots and Meters", and Chapter 39 entitled "Vehicles and Traffic" and as otherwise set forth more fully therein, including the repeal of Chapter 220 "Parking" and selected section of Chapter 310 "Vehicles and Traffic" in the former Village of South Nyack Code.

9. **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.

10. **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- I & 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.

**11. 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.

**12. 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.

**13. 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.

14. **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**

### **15. 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**

### **16. 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**

### **17. 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.

### **18. 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**

### **19. 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.

## **BUILDING**

### **20. APPROVE/ ADDITIONAL SERVICES / PROJECT MONITORING AND AIR MONITORING SERVICES / TOWN HALL DEMOLITION / LOTHROP ASSOCIATES**

**WHEREAS**, pursuant to Town Board Resolution No. 743 of 2018, the Town Board authorized the Town Clerk to issue a Request for Proposal (RFP) for Architectural Engineering and Space Planning Services, for the purpose of receiving bids to provide design plans and consultation for a proposed Town Hall, subject to final approval of appropriate Town department heads, and

**WHEREAS**, such services are for professional services and not subject to the competitive bidding requirements of NY General Municipal Law §103 and

**WHEREAS**, on July 9, 2019, via Town Board Resolution 2019-346 the Town Board accepted a proposal from Lothrop Associates to provide Architectural, Engineering and Space Planning Services, and

**WHEREAS**, Lothrop Associates has been working with the Town on the plans and part of the planning process, the Town has determined that certain additional services are necessary and desired in order to provide Project Monitoring and Air Monitoring Services during the demolition phase of the 1959 Original Town Hall Building,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby accepts the proposal from Lothrop Associates to provide additional services to the Town as part of the new Town Hall project, specifically the proposal to provide Project Monitoring and Air Monitoring Services during the demolition phase of the 1959 Original Town Hall Building, Dated September 29, 2023 in the amount of \$34,072.50, and

**BE IT FURTHER RESOLVED**, that the Supervisor and/or her designee is authorized to execute the agreement as necessary to effectuate this resolution, upon approval by the Town Attorney's Office.

## **FINANCE**

### **21. 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.

**22. 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**

**23. 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.

**24. 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.

**25. 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**

**26. 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**

### **27. 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 Regular Town Board Meeting  
08/20/24 Police Commission / 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.

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28. **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 24<sup>th</sup>, 2023 Police Commission and October 10<sup>th</sup> & October 24<sup>th</sup>, 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**

29. **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**

30. **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**

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

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

❖ **Thomas Markham**, *Resident of Pearl River*

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