



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday December 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

PRESENTATIONS:

- ◆ Sanitation Commission Presentation on Proposed Increase in Garbage Hauler Rate
- ◆ Town of Orangetown Presentation in Honor of Councilman Thomas Diviny

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 DECEMBER 12, 2023 AT 7:05 P.M. / PROPOSED LOCAL LAW AMENDING / TOWN CODE CHAPTER 39, VEHICLES & TRAFFIC, ARTICLE I, VEHICLE AND TRAFFIC REGULATIONS, SECTION 39-11(A) HEAVY TRUCKING IN THE HAMLET OF PEARL RIVER / OLD MIDDLETOWN ROAD**

RESOLVED, that the Public Hearing 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 is hereby opened.

PRESENTATION of Affidavit of Public Hearing posting and publication.

SUMMARY OF COMMENTS:

4. **CLOSE / CONTINUE PUBLIC HEARING / PROPOSED LOCAL LAW AMENDING / TOWN CODE CHAPTER 39, VEHICLES & TRAFFIC, ARTICLE I, VEHICLE AND TRAFFIC REGULATIONS, SECTION 39-11(A) HEAVY TRUCKING IN THE HAMLET OF PEARL RIVER / OLD MIDDLETOWN ROAD**

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

5. **LEAD AGENCY AND DETERMINATION OF SEQRA / PROPOSED LOCAL LAW AMENDING / TOWN CODE CHAPTER 39, VEHICLES & TRAFFIC, ARTICLE I, VEHICLE AND TRAFFIC REGULATIONS, SECTION 39-11(A) HEAVY TRUCKING IN THE HAMLET OF PEARL RIVER / OLD MIDDLETOWN ROAD**

RESOLVED, that the Town Board declares itself Lead Agency in this matter, and further determines that such action is a Type II action pursuant to SEQRA, that the action will not have a significant adverse environmental impact, and, therefore, no further action is necessary with respect thereto under the State Environmental Quality Review Act.

6. **ADOPT LOCAL LAW ____, 2023/ AMENDING TOWN CODE CHAPTER 39, VEHICLES & TRAFFIC, ARTICLE I, VEHICLE AND TRAFFIC REGULATIONS, SECTION 39-11(A) HEAVY TRUCKING IN THE HAMLET OF PEARL RIVER / OLD MIDDLETOWN ROAD**

RESOLVED, that the Town Board hereby adopts Local Law ____, 2023 to amend the Town Code, Chapter 39, Vehicles & Traffic, Article I, Vehicle and Traffic Regulations, Section 39-11(A) Heavy Trucking in the Hamlet of Pearl River.

**LOCAL LAW NO. ____ - 2023 OF THE TOWN OF ORANGETOWN,
AMENDING CHAPTER 39 (VEHICLES AND TRAFFIC), ARTICLE I (VEHICLE AND
TRAFFIC REGULATIONS) OF THE CODE OF THE TOWN OF ORANGETOWN**

Language to be deleted from the existing Code provisions are indicated by a ~~striketrough~~; and new language to be added is typed in **bold and underscored**. All-other language shown is to remain unchanged and is provided for context.

Be it enacted by the Town Board of the Town of Orangetown as follows:

Section 1 – Legislative Findings, Objectives and Purpose of this Local Law No. ____ of 2023: The Town of Orangetown Traffic Advisory Board, having investigated issues related to traffic safety, congestion, speeding, and volume of large and heavy-weight trucks in vicinity of Old Middletown Road in the hamlet of Pearl River, recommends the Town Board adopt this local law amending the Town Code, to prohibit vehicles weighing five-tons or more on Old Middletown between Gilbert Avenue and South Middletown Road in the Hamlet of Pearl River. Having reviewed the recommendations of the Traffic Advisory Board and held a public hearing on the matter, the Town Board finds the enactment of a five-ton weight restriction for vehicles on Old Middletown Road is necessary for traffic safety.

Section 2 – Chapter 39 (Vehicles and Traffic), Article I (Vehicle and Traffic Regulations), §39-11, (Heavy Trucking) of the Code of the Town of Orangetown, shall be amended so as to add subsection “9” of paragraph “A” to Section 39-11, and as amended shall read as follows:

39-11. Heavy trucking.

It shall be unlawful for trucks having a gross weight of vehicle plus load in excess of five tons to travel over the following highways except when engaged in the delivery of merchandise or other property along such highways:

A Hamlet of Pearl River.

- (1) Hunt Avenue from North Middletown Road to North Main Street.
- (2) Brightwood Avenue from North Middletown Road to North Main Street.
- (3) Forest Avenue from North Middletown Road to North Main Street.
- (4) Oriole Street between Orangeburg Road and Blauvelt Road.
- (5) East Central Avenue between North Middletown Road and Oriole Street.
- (6) Colonial Court between Blauvelt Road and Blauvelt Road.
- (7) North Troop Road from Western Highway to Garfield Street.
[Added 11-14-1988 by Ord. No. 11-1988]
- (8) South Middletown Road between Central Avenue and the New Jersey State Line.
[Added 2-24-1997 by L.L. No. 2-1997]
- (9) Old Middletown Road between Gilbert Avenue and South Middletown Road**

Section 3 – This Local Law shall become effective immediately upon filing with the New York State Secretary of State.

7. **RESUME PUBLIC HEARING OF NOVEMBER 14, 2023 / 7:10 P.M. / 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)**

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 resumed.

SUMMARY OF COMMENTS:

8. **CLOSE OR CONTINUE PUBLIC HEARING REGARDING THE PROPOSED TEXT AMENDMENT FOR LI DISTRICT HOTEL AND STANDALONE FITNESS CENTER / PEARL RIVER CAMPUS, LLC d/b/a HUDSON VALLEY iCAMPUS (68.01-1-1)**

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

9. **SEQRA / NEGATIVE DECLARATION / LOCAL LAW NO. ___ OF 2023, AMENDING THE TOWN ZONING LAW / LI ZONING / SPECIAL PERMIT USES / STANDALONE FITNESS CENTER AND HOTEL**

WHEREAS, the Town Board has considered the adoption of an amendment to Chapter 43, Articles 3, 4 and 11 to permit hotels and standalone fitness centers on parcels of 150 acres or more as a "Special Permit Use" in the LI zoning district, and

WHEREAS, on or about, pursuant to Town Board Resolution 2023-467 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 notes that it considers this action to be a Type I action under the New York State Environmental Quality Review Act (SEQRA); 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, including a Full EAF as submitted by the applicant, 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 affected by the proposed Local Law,

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.

10. **ADOPT/ LOCAL LAW NO. ___ OF 2023, AMENDING THE TOWN ZONING LAW / LI ZONING / SPECIAL PERMIT USES / STANDALONE FITNESS CENTER AND HOTEL**

WHEREAS, the Town Board of the Town of Orangetown (the "Town Board") is the duly elected legislative body of the Town, authorized to adopt zoning text amendments to the Town's Zoning Law; and

WHEREAS, the Town Board has considered the adoption of an amendment to Chapter 43, Articles 3, 4 and 11 to permit hotels and standalone fitness centers on parcels of 150 acres or more as a “Special Permit Use” in the LI zoning district, and,

WHEREAS, by Resolution No. ___ of 2023, after notice duly given, and there being no other involved agency, by resolution duly adopted this 12th day of December, 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 Zoning Law and determines the issuance of Negative Declaration is appropriate; and

WHEREAS, following due notice, a public hearing was conducted on the proposed Local Law; and

WHEREAS, the Board has concluded that the proposed text amendments to the zoning code, is consistent with the Town’s 2023 Comprehensive Plan, see page 225, to permit, recognize and regulate uses not previously addressed, and otherwise is in the best interests of the Town and the owner of the parcel, who has requested the change of zoning classification; and

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

WHEREAS, the Town Planning Board, by Memorandum, dated October 11, 2023 following due consideration at a public meeting held on the same date, has indicated that it had no comment on the proposed local law and

WHEREAS, the County Department of Planning, by letter review dated November 8, 2023, has recommended certain modifications to the proposed local law be considered as set forth below:

Comment 1: The County found the 150-acre minimum lot area requirement for these new uses to be excessive and recommended the minimum lot size requirements be revised.

Response: The 150-acre provision was selected by the applicant to distinguish the uniqueness of the Pearl River Campus from the other properties zoned LI located elsewhere in Town. The Pearl River Campus is a large- scale, comprehensively planned campus, quite distinct in ownership and operation from the other properties in the LI zone, where the parcels are much smaller, and the control of the sites rests in the hands of multiple owners.

The intent of the proposed zoning amendment is to preserve the integrity of the LI zone as an economically important district within the entire Town, while allowing the very large parcels to be utilized in such fashion. Allowing for the proposed uses on smaller scaled sites runs the risk of losing the traditional industrial uses to uses that might be viewed as more economically expeditious in the short term but not sustainable in the long term.

Comment 2: The County raised the question of whether the parking requirement for the stand alone fitness center is based on the gross floor area of the use, or just the areas used by club members.

Response: The parking requirement is based upon the existing floor area definition set forth in Article IX, §11.2 of the Zoning Code. No change is proposed.

Comment 3: The County recommended the creation of new Special Permit standards for the proposed hotel use in the LI zone.

Response: The existing Special Findings for Special Permit Uses established in Article IV, §4.3 of the Zoning Code adequately regulate hotels in the LI district, and no further standards would be necessary

Comment 4: The County noted its concern about the "unintended consequences" of establishing a new definition for a stand-alone fitness center that is limited to a single zone. The Planning Department draws the conclusion that a stand-alone fitness center is the same use as a gym, which while not explicitly defined, they claim is currently a permitted use in the CS -- Community Shopping Center and CC-Retail Commercial zoning districts.

Response: The CS and CC zoning district permit "physical fitness studios." This is the category under which all existing gyms exist in Town. The definition as proposed in the local law will be listed for specifically the LI zone, under certain conditions. There is no need to make any additional changes under current conditions.

Comment 5: The County indicated the matter should be classified as a Type I action under SEQRA, requiring a Full EAF to be submitted.

Response: The applicant has filed a Full EAF which has been referred to the County for review. In addition, included as part of the petition was a study from the planner for the applicant which addressed many issues related to the project. Any potential uses will be subject to use/site specific review as part of the Special Permit and site plan approval processes. The Town Board has classified this as a Type I action under SEQRA.

A Motion to Override comments 1, 2, 3 and 4 of the Rockland County Department of Planning letter dated November 8, 2023 was made by _____ seconded by _____ and approved as follows: (4 or more members must vote yes for motion to pass)

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 entitled Zoning", § 11.2; Definitions; § 3.11 "Table of General Use Regulations" and §4.3 "Special Permit Uses" 43, § 2.2. to permit hotels and standalone fitness centers in the LI zoning district on lots having 150 acres or more as set forth more fully in the Local Law.

**TOWN OF ORANGETOWN
LOCAL LAW NO. ____ OF 2023 OF THE
INCORPORATED TOWN OF ORANGETOWN, NEW YORK AMENDING CHAPTER 43 OF
THE TOWN CODE ENTITLED "ZONING"**

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ORANGETOWN AS FOLLOWS:

Section 1. Chapter 43, Section 11.2 of the Town of Orangetown Zoning Code, entitled "Definitions" shall be amended by adding a new term entitled "Standalone Fitness Center", which shall be defined as follows:

STANDALONE FITNESS CENTER

A private membership facility designed, intended and used for physical conditioning activities, located within a single occupant building. Such uses may include traditional athletic training facilities, athletic performance analyses, cafes, childcare centers and spas, as well as the sales of necessary equipment used in the activities provided, together with other appropriate accessory uses.

Section 2. Chapter 43 Attachment 7 of the Town of Orangetown Zoning Code entitled “Table of General Use Regulations (§ 3.11) LI District” is hereby amended to revise Column 3, “Uses by Special Permit” to permit two additional uses subject to Town Board approval, as follows:

4. Hotels, provided that the minimum lot area is 150 acres.
5. Standalone fitness center, provided that the minimum lot area is 150 acres.

Section 3. Chapter 43 Attachment 7 of the Town of Orangetown Zoning Code entitled “Table of General Use Regulations (§ 3.11) LI District” is hereby amended to add two new rows to Column 6, entitled “Minimum Required Off-Street Parking Spaces”, as follows:

18. Hotels – Same as CC
19. Standalone fitness center - 6 per each 1,000 square feet of floor area (not including any floor area devoted exclusively to tennis courts), plus 4 per each tennis court.

Section 4. Chapter 43, Section 4.3 of the Town of Orangetown Zoning Code entitled “Special permit uses; special findings and additional requirements and conditions for certain uses” is hereby amended to include one additional use, as follows:

4.32.(R). Standalone fitness center:

- (i) Standalone fitness centers are permitted in the LI District on lots having a minimum lot area of 150 acres, subject to the following criteria:
 - (a) Every application for a stand-alone fitness center use shall include a circulation plan, indicating all internal roadways, all roadways, intersections and driveways bounding the site, all off-street parking and truck loading areas and pedestrian accessways on the site; and also, a traffic survey and analysis, with estimates of on-site traffic generation and its impact, if any, on existing and projected traffic volumes, roadway capacity and highway safety in critical highway locations in the vicinity and proposals related to accommodating such traffic generation in each location, as well as any required on-site or off-site mitigation measures, as may be required by the Town Board.
 - (b) Off-street parking and truck loading areas shall be designed pursuant to the requirements of Article VI of the Zoning Code of the Town of Orangetown, and, further, they shall include provisions for landscaping and screening and for landscaped islands within the parking areas in the proportion of 15 square feet for each parking space. Shared parking is encouraged where the peak parking demands of different uses occur at various times of the day.
 - (c) The entrance to all off-street parking and truck loading spaces shall be from an internal driveway system and not from a public street.

- (d) On-site bicycle storage racks shall be provided with at least 1 bicycle space per 10,000 square feet of gross building floor area. Where feasible, some or all of this bicycle storage shall be provided within a secure, enclosed bicycle storage space.
- (e) Every application for a stand-alone fitness center use shall include a detailed and specific landscape plan, incorporating native species wherever feasible, showing the proposed treatment of all open areas on the site and, more specifically, analyzing the need for the screening of service areas, outdoor use areas and buffer strip landscaping and how such need will be met on a year-round basis.
- (f) Site lighting shall be restricted to the minimum necessary to allow for the appropriate and safe operation of the facility, and shall include automatic controls to turn off exterior lighting when sufficient daylight is available and when lighting is not required during nighttime hours, include fixture integrated lighting controls such as motion sensors to reduce light levels, use cut-off and shielded luminaires to prevent light trespass beyond property lines and unnecessary glare, among other measures.
- (g) All intensive outdoor activities shall be set back at least 100 feet from any property line and shall be so located that they shall be reasonably screened from view as denoted in a site plan submitted pursuant to Chapter 21A of the Code of the Town of Orangetown and compatible with the existing or potential use of neighboring properties.

Section 5. Chapter 43 Attachment 18, entitled “Notes to Use and Bulk Tables” is hereby amended to add an additional note, as follows:

Note 19: Lots within the LI District having a minimum lot area of 150 acres may contain multiple permitted uses on a single parcel.

Section 6. Severability Clause

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid parts.

Section 7. Effective Date

This Local Law shall become effective immediately upon being filed with the Secretary of State

11. EXTEND AUTHORIZATION FOR OUTDOOR DINING / SIDEWALK CAFES / EXTEND RESOLUTION 2020-249; 2020-539; 2021-243; 2021-505; 2023-73

WHEREAS on June 2, 2020 pursuant to Town Board Resolution 2020-249, the Town Board, in response to the economic recovery as a result of the COVID-19 crisis and pursuant to the authority prescribed in Chapter 6-5(F) of the Orangetown Code, authorized the Director of OBZPAE to waive, modify, and adjust certain requirements of Chapter 31B regarding Sidewalk Cafes and Vending, and to suspend enforcement of the zoning regulations and requirements or land use restrictions to obtain an Outdoor Dining Permit, and to maintain required off-street parking for outdoor dining, at a lawful restaurant and food service establishment, and to issue a Temporary Outdoor Dining Permit and

WHEREAS, pursuant to Town Board Resolutions 2020-539, 2021-243 and 2021-505 and 2023-73 ; the Town Board extended the temporary suspension of Section 31B of the Town Code and authorized the Director of OBZPAE to issue Temporary Outdoor Dining permits

for various time periods as set forth more fully therein and most recently through and including December 31, 2023, subject to the same terms and conditions of Town Board Resolution 2020-249, and

WHEREAS, the COVID-19 crisis and the economic recovery therefrom continues to impact the residents and businesses of the Town of Orangetown and the authorization for outdoor dining and sidewalk cafes have provided relief to the businesses in the Town of Orangetown will providing patrons an opportunity to socialize in a safe setting in accordance with the Governor's guidelines for operations of dining facilities during the COVID-19 crisis,

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby extends the temporary suspension of Section 31B as set forth in Town Board Resolution 2020-249, 2020-539, 2021-243, 2021-505 and 2023-73 authorization to the Director of OBZPAE to issue Temporary Outdoor Dining Permits through and including October 31, 2024, subject to all of the terms and conditions as set forth in Resolution 2020-249, 2020-539, 2021-243, 2021-505 and 2023-73 regardless of previous or future capacity restrictions imposed by the State of New York.

BE IT FURTHER RESOLVED, that notwithstanding the foregoing, the combined occupancy of the indoor and outdoor dining for businesses operating under the Temporary Dining Permit, shall not exceed the occupancy limits for the premises related to life safety issues such as fire safety matters and sanitary facilities. Any violation of the terms of the Temporary Outdoor Dining permit as set forth herein shall subject the holder of such Permit to revocation as provided in Resolution 2020-249 and Section 6-5(F) of the Town Code.

12. **AWARD CONTRACT / FST TECHNICAL SERVICES / BUILDING COMMISSIONING AUTHORITY SERVICES / NEW TOWN HALL ADDITION**

WHEREAS, as part of the construction process for the New Town Hall Addition, Calgi Construction, the Town's construction manager on the project, solicited quotes from five entities to Building Commissioning Authority Services as anticipated as part of the design, construction and other approvals related to the project, and

WHEREAS, Calgi Construction has reviewed three proposals that were submitted and recommends that the Town accept the proposal submitted by FST Technical Services dated November 30, 2023,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby finds, upon recommendation of Calgi Construction, that the proposal from FST Technical Services dated November 30, 2023 in the amount of \$40,922.00, is the lowest responsible proposer, and it is in the best interests of the Town to accept this proposal, and

BE IT FURTHER RESOLVED, the Town Board hereby accepts the proposal of FST Technical Services dated November 30, 2023 in the amount of \$40,922.00, for Building Commissioning Authority Services and authorize the Supervisor and/or her designee is authorized to execute any documents as necessary to effectuate this resolution, upon approval by the Town Attorney's Office.

TOWN ATTORNEY

13. **APPROVE / AGREEMENT WITH WEST PUBLISHING CORP (WESTLAW) / 12-MONTH EXTENSION**

RESOLVED, upon recommendation of the Town Attorney, the Town Board authorizes the execution of a purchase order and agreement with West Publishing Corp, dba West, a Thomson Reuters corporation, to provide legal research services, known as Westlaw, for the Town Attorney's Office, for a 12 month extension as set forth in the agreement at a cost of \$3,152.00 per month with a yearly increase of 3%, based upon New York State Office of General Services Contract Award # 23044, Contract # PC67676, to be funded through budget line A.1420.445 entitled Books and Publications, and the Town Board hereby authorizes the Town Attorney to execute any documents necessary to effectuate said purchase order and agreement.

HIGHWAY

14. **AWARD CONTRACT / GLENCO SUPPLY / VARIABLE MESSAGE BOARDS**

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for Two (2) New Trailer Mounted Variable Message Boards, which were received and publicly opened on October 12, 2023; and,

NOW THEREFORE BE IT RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby awards this bid to Glenco Supply, Inc., Oakhurst, NJ, in the amount of \$42,754.00 to be charged to D.5112.200.04.

15. **APPROVE / CHANGE FEES & OTHER CHARGES / TOWN CODE, CHAPTER 27 "ROAD EXCAVATIONS, DRIVEWAY & HEAVY HAULING"**

WHEREAS, Local Law No. 8-2011, authorizes the Town Board to change by resolution the fees and other charges under Chapter 27 of the Town Code, entitled "Road Excavations, Driveway and Heavy Hauling." The following changes are being proposed:

BE IT RESOLVED, that the permit fee under Article I. Regulations Relating to Utility, Town Code § 27-2 (B) Application; fee, shall be \$ 275.00, which includes first inspection.

BE IT FURTHER RESOLVED, that the charges under Article I. Regulations Relating to Utility, Town Code § 27-16; Rates for inspection, restoration and maintenance, shall be \$ 180.00 per inspection.

BE IT FURTHER RESOLVED, that the permit fee under Article II. Regulations Other Than Utility, Town Code § 27-23 (B); Application; fee, shall be \$ 275.00, which includes first inspection.

BE IT FURTHER RESOLVED, that the charges under Article II. Regulations Other Than Utility, Town Code § 27-23 (B); Deposits required, shall be:

Shoulder-to-shoulder openings	\$800
Shoulder to centerline	\$600
Shoulder only openings	\$500

Shoulder and paved sidewalk openings \$500 (plus \$ 25 per sq. ft. of sidewalk impacted)

BE IT FURTHER RESOLVED, that the charges under Article II. Regulations Other Than Utility, Town Code § 27-37 (A); Rates for inspection, restoration and maintenance, shall be \$180.00 per inspection.

BE IT FURTHER RESOLVED, that the charges under Article II. Regulations Other Than Utility, Town Code § 27-37 (B); Rates for inspection, restoration and maintenance shall be \$180.00 per inspection.

BE IT FURTHER RESOLVED, that the charges under Article III. Regulations for Driveways and Construction of Connections to Town Roads, Town Code § 27-44 (A), Application fees for new driveway connections, shall be \$ 120.00, which includes first inspection.

BE IT FURTHER RESOLVED, that the charges under Article III. Regulations for Driveways and Construction of Connections to Town Roads, Town Code § 27-44 (B), Application fees for existing driveway connections, shall be \$ 120.00, which includes first inspection.

BE IT FURTHER RESOLVED, that the charges under Article III. Regulations for Driveway and Construction of Connections to Town Roads, Town Code § 27-46 (A), Road and street connections: permit, shall be \$ 120.00, which includes first inspection.

BE IT FURTHER RESOLVED, that the charges under Article III. Regulations for Driveway and Construction of Connections to Town Roads, Town Code § 27-46.1, Driveway inspection rates, shall be \$ 130.00 per inspection.

BE IT FURTHER RESOLVED, that the charges under Article IV. Regulations for Special Hauling, Town Code § 27-50 (B), Application for permit; fees, shall be \$ 150.00 for the application fee and the hauling fees are as follows: \$ 180.00 for a one-month permit, \$ 325.00 six month permit and \$ 485.00 for a one year permit.

BE IT FURTHER RESOLVED, that the Appendix to Chapter 27 of the Town Code should be amended to reflect these in permit fees and that these changes will become effective January 1, 2024.

16. **APPROVE/ HIGHWAY DEPARTMENT GIS FEE INCREASE**

WHEREAS, Town Code § Chapter 14 Article V. Fees in Support of Geographic Information System (GIS) Displaying Certain Land Use and Other Municipal Information requires a fee be paid with an application of any type submitted to the Highway Department.

BE IT RESOLVED, that effective January 1, 2024 the GIS Fee for applications submitted to the Highway Department shall be \$20.00.

17. **AWARD CONTRACT/ SIDEWALK SAWCUTTING / PRECISION SAFE SIDEWALKS**

RESOLVED, that upon the recommendation from the Superintendent of Highways, to approve the RFP for Sidewalk Sawcutting to Precision Safe Sidewalks, Arlington, VA, the only qualified bidder to meet Town Specifications, at a cost of \$69.35 per inch/foot, not to exceed \$29,000. Work completed under this contract will be charged to Account #A.5410.457 and paid for out of the 2023 operating budget.

BUILDING

18. AMEND CONTRACT / ADD FIRE INSPECTION MODULE / BUILDING DEPARTMENT PERMITTING SOFTWARE / TYLER TECHNOLOGIES-ENERGOV

WHEREAS, on August 22, 2023, by Town Board Resolution #444 of 2023, the Town Board authorized the amendment of a contract with Tyler Technologies, Duluth, GA, for the implementation of the Fire Prevention Module as part of the Energov software, subject to Town Attorney review and approval, in the additional amount not to exceed \$8,499 for the software licensing and implementation services, plus an annual cost of \$7,848 for running of the program; and

WHEREAS, the actual amounts are as follows: the annual SaaS fees under the original agreement shall increase \$7,848.00; there will be a one- time cost of \$8,499.00 for the software licensing and implementation services, plus an annual cost of \$13,535.00 per-year for running of the program plus payment of \$6.95 per fire permit/inspection conducted;

NOW THEREFORE, BE IT RESOLVED, upon the recommendation of the Director of OBZPAE, the Town Board hereby authorizes the Supervisor to execute a three (3) year contract addendum, on behalf of the Town, as proposed and written, with TYLER TECHNOLOGIES to integrate the inspection and record keeping software program and database for OBZPAE and the Bureau of Fire Prevention, for Fire Prevention inspections.

FINANCE

19. APPROVE/ 2023 ORIGINAL BUDGET RECLASSIFICATION

RESOLVED, that based upon the recommendation of the Finance Director, the Town Board approves the following 2023 Original budget reclassification:

To reclassify General Fund expenditures recorded in the Internal Service Fund

		Original Budget	Final Budget
A.1910.043	Unallocated Insurance.Risk	318,487.00	593,487.00
A.9040.800	Workers Compensation.Fringe benefits	808,560.00	533,560.00

20. APPROVE / BOILER AND MACHINERY INSURANCE COVERAGE / TRAVELERS

RESOLVED. based on the recommendation of the Director of Finance, the Town hereby authorizes the same to sign an insurance binder for Boiler and Machinery coverage with Travelers at an annual cost of \$18,212. Travelers was the lowest cost bidder.

LEND ASSISTANCE

21. APPROVE/ LEND ASSISTANCE / VOLUNTEER FIRE ASSOCIATION OF TAPPAN / HOLIDAY DRIVE- THRU EVENT

RESOLVED, upon completion of all necessary paperwork and upon the recommendation from the Superintendent of Highways, that the Town Board hereby authorizes this department to lend assistance which includes the use of barricades, cones and (2) message boards for the Volunteer Fire Association of Tappan's Holiday Drive- Thru Event to be held on Saturday, December 16, 2023 from 4:30pm- 7:30pm.

AUDIT

22. 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 **\$1,206,578.84**.

EXECUTIVE SESSION

23. ENTER EXECUTIVE SESSION

RESOLVED, at _____ pm, the Town Board entered Executive Session to discuss_____.

ADJOURNMENTS

24. RE-ENTER RTBM / ADJOURNED / MEMORY

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

❖ **Jeanette Bonardi**, *Resident of Orangeburg and Mother-in-law of Parks Employee Christine Smyth-Bonardi*