

**TOWN OF ORANGETOWN  
REGULAR TOWN BOARD MEETING MINUTES  
November 28, 2023**

This meeting was opened at 7:00 pm. Supervisor Teresa M. Kenny presided and Joseph Thomassen, Deputy Clerk, called the roll.

Present were:  
Councilperson Thomas Diviny  
Councilperson Paul Valentine  
Councilperson Jerry Bottari  
Supervisor Teresa M. Kenny  
Councilperson Brian Donohue

Also Present:  
Denis Troy, Deputy Supervisor  
Allison Kardon, Supervisor's Confidential Assistant  
Carmel Reilly, Director of Economic Development & Tourism  
Joseph Thomassen, Deputy Clerk  
Robert Magrino, Town Attorney  
Jeff Bencik, Finance Director  
Stephen Munno, Sr. Administrative Assistant  
Jane Slavin, Director of OBZPAE  
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.  
Bob Urban, Human Resource Coordinator  
Matthew Lenihan, Computer Network Specialist  
Brendon Carton, IT Department  
Donald Butterworth, Police Chief  
Det. Sgt. Daniel Costello

**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.**

The public hearing scheduled for tonight on the zone change for Van Houten Farm Market Benefit Trust (Rockland Cider Works) to permit a farm winery/cidery is being postponed due to a Court Order that was issued late yesterday in the case of Christopher and Sharon Van Houten v. Van Houten Farm Market Benefit Trust. The Order restrains Van Houten Farm Market (RCW) from prosecuting the petition and granted a stay of the hearing. Although the Town is not a party to this action, as a result of the Order the matter is being postponed until January 23, 2024 at 7:15 pm, pending further court determinations.

**DISCUSSION:  
WORKSHOP OF AGENDA ITEMS**

**RESOLUTION NO. 612  
ENTER EXECUTIVE SESSION**

In attendance, at this Executive Session were Supervisor Kenny, Denis Troy, Councilpersons Tom Diviny, Paul Valentine, Jerry Bottari and Brian Donohue, Robert Magrino, Jeff Bencik and Bob Urban.

**RESOLUTION NO. 612 - Continued**

**RESOLVED**, at 7:05 pm, the Town Board entered Executive Session to discuss matters relating to employment.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 613**  
**RE-ENTER RTBM**

**RESOLVED**, at 7:18 pm, the Town Board re-entered the Regular Town Board Meeting.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 614**  
**RESUME PUBLIC HEARING OF SEPTEMBER 26, 2023 / PROPOSED AMENDMENT TO TOWN CODE / CHAPTER 24, "PARKING LOTS & METERS" AND CHAPTER 39, "VEHICLES & TRAFFIC" / HAMLET OF SOUTH NYACK**

**RESOLVED**, 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.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**Summary of Public Comments:**

Patty Katz, S. Nyack, spoke about parking & traffic issues near the Gessner Avenue Park. Andrew Goodwillie, S. Nyack, is impressed by the proposal but Shadyside should still be addressed.

S K Bailey, S. Nyack, brought several serious shortcomings in the most recent draft proposal of this parking legislation (Exhibit 11-28-A).

Jerry Illowite, S. Nyack, is thankful for the changes but parking near the stairways on Shadyside needs to be reconsidered.

Kathy Tappenden, S. Nyack, is in-favor of alternate street parking. Boundry lines need to be clarified regarding the DPW lot and the Brookside Parking lot.

**RESOLUTION NO. 615**  
**CONTINUE PUBLIC HEARING / PROPOSED AMENDMENT TO TOWN CODE CHAPTER 24, "PARKING LOTS & METERS" AND CHAPTER 39, "VEHICLES & TRAFFIC" / HAMLET OF SOUTH NYACK**

**RESOLVED**, 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 continued to January 23, 2024 at 7:10 pm.

**RESOLUTION NO. 615 - Continued**

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 616**

**OPEN PUBLIC COMMENT PORTION**

**RESOLVED**, that the public portion is hereby opened.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**Summary of Public Comments:**

Cory Clarkston, Pearl River Fire Dept Commissioner; Sharon & Chris VanHouten, Carolyn Rasch, Linda & Mike Golodner, Jack Torpey, Steve Joehum, Pearl River; Sheean Haley, S. Nyack; Andrea LaMautia, New City; Joyce Taub, W. Nyack; Susan McWhinney, Faith & Paul Custer, Gerry Goggins, Orangeburg; Kelly VanHouten; and Patricia DeGraw, Blauvelt; are against the Zone Text Amendment.

Jim Zuidema, and Tim O'Donohue, Pearl River, supports the proposed amendment to the Zoning Text. They are in-favor of Van Houten Farms and Rockland Cider Works.

Karen Costello, questioned the conflict of Councilman Valentine voting on this zone text amendment.

John Caruso, Palisades, complained about the bright lighting coming from 5, 7 & 8 Century Road.

**RESOLUTION NO. 617**

**CLOSE PUBLIC COMMENT PORTION**

**RESOLVED**, that the public portion is hereby closed.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 618**

**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.

**RESOLUTION NO. 618 - Continued**

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 619****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 §§ 239-1 & 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.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 620****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

**RESOLUTION NO. 620 - Continued**

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.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 621****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.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 622****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.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 623****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

**RESOLUTION NO. 623 - Continued**

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.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 624**

**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.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 625****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.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 626****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 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.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 627****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.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 628****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.

**RESOLUTION NO. 628 - Continued**

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 629****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.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 630****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.



**RESOLUTION NO. 630 - Continued**

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 631**

**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.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 632**

**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 9 position.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 633**

**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 9, Step 19/24 at a salary of \$83,56, permanent, effective November 26, 2023.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 634**  
**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.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 635**  
**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.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 636**  
**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

**RESOLUTION NO. 636 - Continued**

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.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 637****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.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 638****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**.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 639**

**ENTER EXECUTIVE SESSION**

In attendance, at this Executive Session were Supervisor Kenny, Denis Troy, Councilpersons Tom Diviny, Paul Valentine, Jerry Bottari and Brian Donohue, Robert Magrino, and Jeff Bencik.

**RESOLVED**, at 9:18 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.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

**RESOLUTION NO. 640**

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


**RESOLVED**, at 10:30 pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of: **Thomas Markham**, *Resident of Pearl River* and **Mary Reilly**, *Mother of Commissioner Eamon Reilly of DEME*.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

  
\_\_\_\_\_  
Rosanna Sfraga, Town Clerk

Town of Orangetown

DATE: November 28, 2023

WARRANT

Warrant Reference	Warrant #	Amount
Approved for payment in the amount of		
	111723	\$ 1,213,265.02
	112823	\$ 286,236.06
		\$ 1,499,501.08

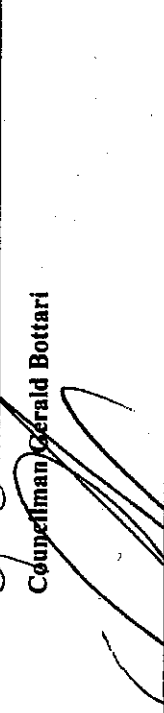
The above listed claims are approved and ordered paid from the appropriations indicated.

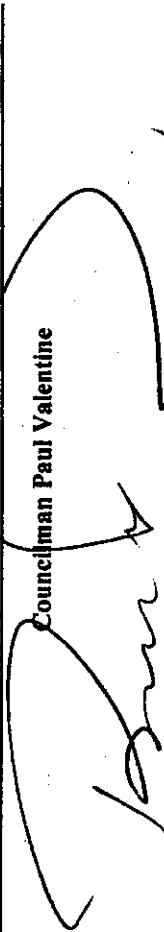
APPROVAL FOR PAYMENT

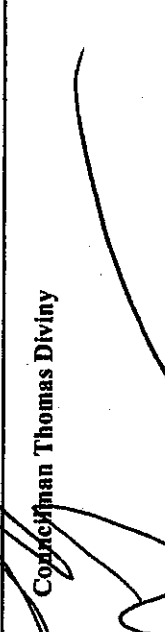
AUDITING BOARD

  
Councilman Gerald Bottari

  
Councilman Paul Valentine

  
Councilman Thomas Diviny

  
Councilman Brian Donohue

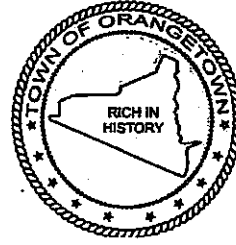
  
Supervisor Tereasa M. Kenny

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**TOWN OF ORANGETOWN  
FINANCE OFFICE MEMORANDUM**

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**TO:** THE TOWN BOARD  
**FROM:** JEFF BENCIK, *DIRECTOR OF FINANCE*  
**SUBJECT:** AUDIT MEMO  
**DATE:** 11/21/2023  
**CC:** DEPARTMENT HEADS



The audit for the Town Board Meeting of 11/28/2023 consists of 2 warrants for a total of \$1,499,501.08.

The first warrant had 23 vouchers for \$1,213,265 and had the following items of interest.

1. Arthur J. Gallagher (p1) - \$78,481 for worker's comp audit.
2. Global Montello (p5) - \$21,271 for fuel.
3. NYS Dept. of Civil Service (p6) - \$913,989 for Healthcare benefits.

The second warrant had 136 vouchers for \$286,236 and had the following items of interest.

1. Applied Business Systems (p4) - \$8,300 for postage deposit for tax bills.
2. Bolkema Fuel Systems (p9) - \$10,665 for off road diesel.
3. Dutra Excavating (p11) - \$7,950 for emergency repairs to manholes.
4. Fleet, Pump & Service Group (p15) - \$42,128 for replacement sewer pumps.
5. Joe Lombardo Plumbing & Heating (p23) - \$9,295 for new town hall plumbing.
6. Keane & Beane (p25) - \$38,735 for outside legal counsel.
7. NYS Dept. of Environmental Conservation (p27) - \$15,500 for SPDES permits.
8. Potters, Inc. (p29) - \$5,490 for Highway paint.
9. Precision Electric Motor Works (p30) - \$17,685 for rebuild of Nyack PS.
10. Rockland County Solid Waste (p33) - \$7,145 for compactor rental and pull.
11. State Comptroller (p39) - \$29,041 for Justice fines.
12. The Morey Organization (p41) - \$7,940 for Parks tickets.

## Teresa Pugh

**From:** Rosanna Sfraga  
**Sent:** Thursday, November 30, 2023 10:13 AM  
**To:** Teresa Pugh  
**Subject:** FW: South Nyack Parking

EXHIBIT  
11-28-A

**From:** SK Bailey <s.kaye.bailey@gmail.com>  
**Sent:** Tuesday, November 28, 2023 5:42 PM  
**To:** Teresa Kenny <TKenny@orangetown.com>; Paul Valentine <pvalentine@orangetown.com>; Gerald Bottari <gbottari@orangetown.com>; t.diviny@gmail.com; Brian Donohue <bdonohue@orangetown.com>; Rosanna Sfraga <rsfraga@orangetown.com>; Allison Kardon <akardon@orangetown.com>  
**Subject:** South Nyack Parking

RE: Proposed Draft Parking Law for South Nyack  
28 November 2023

Dear Supervisor Kenny, and Members of the Orangetown Town Board,

I appear tonight to bring to your attention several serious shortcomings in this most recent draft of proposed parking legislation for South Nyack. I want to talk about a condition which exists on two of the roads in the mountainside area defined in this study as that area west of 9W.

At the previous public hearing regarding parking in South Nyack, Roger Seiler brought to your attention a problem specific to parking on some of the mountainside roads. The original study done by the consultant purported that there were only 12 or 14 residences on the entire mountainside that did not have off-street parking. As Roger pointed out, this was profoundly incorrect. There are substantial numbers of residences on Shadyside Avenue, Terrace Drive and South Boulevard where "off-street" parking is accomplished by parking off the paved portion of the roads on the shoulder or right-of-way of the road, which is technically actually part of the road.

As an aside here--This situation exists not only in the geographical confines of the former village of South Nyack but also extends into Upper Grandview on both Shadyside and South Boulevard.

Roger suggested at the previous public hearing that this needed to be addressed in the law. Apparently this draft legislation does address the issue for Shadyside and a small portion of Terrace Drive. However, it remains unresolved through most of Terrace and all of South Boulevard.

As historical background: South Boulevard did not exist as a public road until the late 1930s. When it was originally macadamized, it was a very narrow one lane road. It was not expanded to its present width until the late 40s and early 50s. Consequently, prior to that time, many of the residences constructed on the eastern or downhill side of South Boulevard were located on lots which due to steepness did not provide for the possibility of a driveway leading down to the dwelling. The result was that when the road was widened, in order to keep parking on the shoulder of the road, many of these residences informally filled in areas along the shoulder in order to continue accessing their properties.

As a technical legal matter, the shoulder, also known as the right-of-way is part of the road. If parking is simply prohibited on South Boulevard or Terrace Drive, those residences are essentially parking illegally.

A note here: My husband and I made a cursory survey of the number of parking spaces used for off-street parking in whole or in part on the unpaved shoulder of South Boulevard, and recorded more than 30 locations where this was taking place. This is substantial

on a road which has only a length of approximately one half mile within the confines of the former village. While I am sure this particular board would make some kind of informal arrangement to limit enforcement of these sort of off-pavement accommodations, there is no guarantee that this would remain the case in future years. This ambiguity could have a substantial impact on property values, perhaps as much as \$100,000-200,000. Because there was no public inclusion in this process, residents who are aware of this proposed legislation are extremely concerned.

Accordingly, I strongly recommend that, in provisions related to prohibiting parking on South Boulevard and Terrace Drive (Section 4, (30) Terrace Drive; Section 5 (7) South Boulevard), language to the effect of: "***Nothing in this provision shall prohibit parking on the unpaved shoulder of the road,***" be included in those prohibitions.

I would also like to briefly mention two other issues with South Boulevard and Terrace Drive;

First, on South Boulevard: As the original study indicated, the South Highland-South Boulevard corridor has become the most heavily traveled street within the confines of the former village by a substantial margin. Residents are gravely concerned about the speed with which the traffic is traveling and believe the speed limit should be lowered to 25 mph and strictly enforced.

Second, Terrace Drive: Substantial numbers of Amazon vans are using the 9W to Lowland to Terrace to South Highland route as a short cut to access their warehouse off 303. These concerns were expressed at the previous public hearing. This could be prevented by a ban on commercial through traffic, which has not been included in this update. Roger Seiler, who is out of town tonight and who otherwise would have appeared with me, along with other residents of the area are extremely concerned about this problem. As you are aware, Terrace Drive is a narrow, steep residential street and when these vans return enmasse near closing time as a convoy of 20 or 30 vans in close succession, it creates a traffic hazard which has to be experienced to be completely understood.

Thank you.

SK Bailey  
South Boulevard  
Orangetown, NY