



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday May 07, 2024

This Town Board Meeting was opened at 7:00 PM.

Councilperson Paul Valentine	_____
Councilperson Jerry Bottari	_____
Councilperson Brian Donohue	_____
Councilperson Dan Sullivan	_____
Supervisor Teresa M. Kenny	_____

☪ Pledge of Allegiance to the Flag

ANNOUNCEMENTS:

- ◆ **The May 7, 2024 Public Hearing on the Proposed Text Amendment to Special Permit Uses to include Farm Cidery/Winery is adjourned until June 25, 2024, at the request of the applicant.**
- ◆ **Pearl River Farmers Market / Saturdays / 10 am – 2 pm / Central Avenue Field**

PRESENTATIONS:

- ◆ **Certificate Presentations Honoring:**
 - ★ **Eagle Scout Harry Mirijanian IV, Troop 55 Blauvelt / Communication Boards Project**
 - ★ **Roger Seiler, South Nyack / Civic Service**

DISCUSSION:

- ◆ **Proposed Local Law / Food Truck Regulation**
- ◆ **Proposed Zone Change / 283 N. Middletown Road, Pearl River / 283 NMR, LLC**
- ◆ **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. ADJOURN PUBLIC HEARING TO JUNE 25, 2024 / 7:05 P.M. / PROPOSED ZONE TEXT AMENDMENT / SPECIAL PERMIT USE / FARM WINERY/CIDERY / ADJOURNED NOVEMBER 28, 2023, CONTINUED JANUARY 23, 2024, ADJOURNED FEBRUARY 20, 2024 AND ADJOURNED MAY 7, 2024

RESOLVED, that the Public Hearing regarding the Proposed Zone Text Amendment / Special Permit Use / Farm Winery / Cidery is hereby adjourned/continued until June 25, 2024 at 7:05 pm at the request of the applicant.

4. OPEN PUBLIC HEARING/ RTBM OF MAY 7, 2024 AT 7:05 P.M. / IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ORANGETOWN SEWER DISTRICT IN THE TOWN OF ORANGETOWN ROCKLAND COUNTY, NEW YORK

RESOLVED, that the Public Hearing in the Matter of the Increase and Improvement of the Facilities of the Orangetown Sewer District in the Town of Orangetown, Rockland County, New York is hereby opened.

PRESENTATION: Affidavit of Public Hearing posting and publication.

SUMMARY OF COMMENTS:

5. CLOSE/CONTINUE PUBLIC HEARING / IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ORANGETOWN SEWER DISTRICT IN THE TOWN OF ORANGETOWN ROCKLAND COUNTY, NEW YORK

RESOLVED, that the Public Hearing in the Matter of the Increase and Improvement of the Facilities of the Orangetown Sewer District in the Town of Orangetown, Rockland County, New York hereby closed or continued to _____.

6. **PUBLIC INTEREST ORDER / IN THE MATTER OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ORANGETOWN SEWER DISTRICT IN THE TOWN OF ORANGETOWN ROCKLAND COUNTY, NEW YORK**

WHEREAS, the Town Board of the Town of Orangetown, Rockland County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202 b of the Town Law, relating to the increase and improvement of the facilities of Orangetown Sewer District in the Town of Orangetown, Rockland County, New York, consisting of the construction of various sewer system related improvements and the acquisition of equipment and vehicles; and

WHEREAS, at a meeting of said Town Board duly called and held on April 16, 2024, an order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of the facilities of the Orangetown Sewer District in said Town at a maximum estimated cost of \$1,597,575 and to hear all persons interested in the subject May 7, 2024, at 7:05 P.M. o'clock, Prevailing Time; and

WHEREAS, said order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard;

NOW, THEREFORE, BE IT ORDERED, by the Town Board of the Town of Orangetown, Rockland County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the improvement, **to increase and improve the facilities of the Orangetown Sewer District in the Town of Orangetown**, Rockland County, New York, consisting of the construction of various sewer system related improvements and the acquisition of equipment and vehicles for the Orangetown Sewer District, at a maximum estimated cost of \$1,597,575.

Section 2. This order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll, which resulted as follows:

Councilman Paul Valentine	VOTING _____
Councilman Jerry Bottari	VOTING _____
Councilman Brian Donohue	VOTING _____
Councilman Dan Sullivan	VOTING _____
Supervisor Teresa M. Kenny	VOTING _____

The order was thereupon declared duly adopted.

7. **A RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,597,575 SERIAL BONDS OF THE TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ORANGETOWN SEWER DISTRICT IN THE TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK.**

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202 b of the Town Law, and more particularly an order dated May 7, 2024, said Town Board has determined it to be in the public interest to increase and improve the facilities of the Orangetown Sewer District in the Town of Orangetown, Rockland County, New York, at a maximum estimated cost of \$1,597,575; and

WHEREAS, it is now desired to provide funding for such capital project;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Orangetown, Rockland County, New York, as follows:

Section 1. For the object or purpose of paying the cost of **the increase and improvement of the facilities of Orangetown Sewer District in the Town of Orangetown**, Rockland County, New York, consisting of the construction of various sewer system related improvements and the acquisition of equipment and vehicles for the Orangetown Sewer District, there are hereby authorized to be issued \$1,597,575 serial bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of (i) the aforesaid sewer system related improvements, including equipment (being a class of objects or purposes) is \$1,429,575, and (ii) the purchase of vehicles (being a class of objects or purposes) is \$168,000, and that the plan for the financing thereof is by the issuance of \$1,597,575 serial bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid (i) sewer system related improvements is forty years, and (ii) the purchase of vehicles is ten years, pursuant to subdivisions 4 and 28, respectively, of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Orangetown, Rockland County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. There shall be annually assessed upon all the taxable real property within said Orangetown Sewer District in the manner provided by law an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the Town.

Section 7. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor.

Section 8. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 9. The Supervisor is hereby further authorized, at his sole discretion, to execute a project finance agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. This resolution which takes effect immediately shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Councilman Paul Valentine	VOTING _____
Councilman Jerry Bottari	VOTING _____
Councilman Brian Donohue	VOTING _____
Councilman Dan Sullivan	VOTING _____
Supervisor Teresa M. Kenny	VOTING _____

The resolution was thereupon declared duly adopted.

8. **OPEN PUBLIC HEARING/ RTBM OF MAY 7, 2024 AT 7:10 P.M. ON PROPOSED ZONE CHANGE FOR 636 NORTH GREENBUSH ROAD/ ROUTE 303, BLAUVELT, NY**

RESOLVED, that the Public Hearing regarding the proposed zone change for 636 North Greenbush Road, Route 303, Blauvelt, NY is hereby opened.

PRESENTATION: Affidavit of Public Hearing posting and publication.

SUMMARY OF COMMENTS:

9. **CLOSE / CONTINUE PUBLIC HEARING / RE: PROPOSED ZONE CHANGE FOR 636 NORTH GREENBUSH ROAD/ ROUTE 303, BLAUVELT, NY**

RESOLVED, that the Public Hearing regarding a proposed zone change for 636 North Greenbush Road / Route 303, Blauvelt, NY is hereby closed or continued to _____.

10. **ADOPT A NEGATIVE DECLARATION WITH RESPECT TO LOCAL LAW NO. __ OF 21, AMENDING THE TOWN ZONING LAW TO CHANGE/CLARIFY THE ZONING DESIGNATIONS FOR 636 N. GREENBUSH ROAD / TAX LOT 65.15/1/1 / R40 / LO**

WHEREAS, the Town Board has considered the adoption of an amendment to Chapter 43, § 2.2, of the Town Code, establishing the Town Zoning Map, to clarify and to the extent necessary adjust the zone line as shown on the Town zoning map for the parcel known as 636 N. Greenbush Road, in the hamlet of Blauvelt, tax lot 65.15/1/1 which is currently shown as having a western portion of the property located in the R40 (medium density residential) zoning district and the eastern portion of the property located in the LO (Laboratory Office) zoning district, which zoning line is in dispute.

WHEREAS, on or about April 2, 2024 pursuant to Town Board Resolution 2024-174 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 three parcels 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.

11. **ADOPT LOCAL LAW ___ OF 2024 / AMENDING CHAPTER 43, § 2.2, OF THE ZONING LAW OF THE TOWN OF ORANGETOWN TO CHANGE THE ZONING DISTRICT DEMARCATION LINE/ 636 N. GREENBUSH ROAD BLAUVELT / TAX LOT 65.15/1/1 / CLARIFY/AMEND DEMARCATION R40/LO**

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, § 2.2 to clarify, confirm and amend the Town Zoning Map with respect to the parcel known as 636 n. Greenbush Road, in the hamlet of Blauvelt, tax lot 65.15/1/1, currently shown to have a western portion of the parcel located in the R40 (Medium Density Residence) zone and an eastern portion of the property being located within the LO (Laboratory Office) zoning district, to change the demarcation line to that as shown on a survey of the property prepared by Jay Greenwell, PLS dated February 22, 2024, to be consistent with the demarcation line from the neighboring property as shown on the survey, and

WHEREAS, by Resolution No. 174 of 2024, after notice duly given, and there being no other involved agency, by resolution duly adopted this 7th day of May, 2024, 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 zone change amendment; and

WHEREAS, the Board has concluded that the proposed amendment to the Town zoning map does not change the existing zoning classifications of the subject parcel, but clarifies and to the extent necessary hereby amends the Town zoning map as to the location of the demarcation line between the R40 zoning district and LO zoning district, as shown on a survey prepared by Jay Greenwell, PLS dated February 22, 2024, the line being identified as "Proposed Zone Line to be Confirmed"; 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 April 24, 2024, following due consideration at a public meeting held on the same date, has no objection to the Town Board serving as Lead Agency and had no further comment on the proposal; and

WHEREAS, the County Department of Planning, by letter review dated April 30, 2024 and has recommended modifications of note, as indicated in item 1, that the Town Board must be satisfied that the change in district boundary does not negatively impact the nearby residences across North Greenbush Road to the east of the subject area and in item 4 that the Town of Clarkstown must be given the opportunity to review the proposal; and

WHEREAS, the Town Board is satisfied that confirming and clarifying the zone line will not negatively impact the nearby residences across North Greenbush Road in that this is a ministerial change to the zoning map and any development of the property is subject to further review, and the action will lessen the amount of developable area nearest to these properties; and the Town Board has referred the matter to the Town of Clarkstown, which has no comment on the matter,

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 Zoning Law, and the Town Zoning Map made a part of the Town Code at Chapter 43, § 2.2., and clarifies and to the extent necessary hereby amends the location of the zoning demarcation line between the R40 and LO zoning districts of the referenced parcel located at 636 N. Greenbush Road, Blauvelt, New York, tax lot 65.15/1/15 as shown on a survey prepared by Jay Greenwell, PLS, dated February 22, 2024, such line designated as “Proposed Zone Line to be Confirmed”.

Local Law No. __ of 2024
THE INCORPORATED TOWN OF ORANGETOWN, NEW YORK
LOCAL LAW TO CLARIFY AND AMEND THE ZONING DEMARCATION LINE OF 636
N. GREENBUSH ROAD, BLAUVELT NY, WHICH ZONING CLASSIFICATIONS SHALL
REMAIN R40 AND LO

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

Section 1: The Zoning Map of the Town of Orangetown, which establishes the areas and boundaries of the various Town zoning districts, is hereby amended and clarified regarding the location of the line of the zoning districts of the following property:

636 N. Greenbush Road (Tax Map Designation Section 65.15 Block 1 Lot 1) to clarify and to the extent necessary hereby amend the demarcation line between the “R40” (Low Density Residential) and “LO” (Laboratory Office) zoning districts to be located and shown on the Town zoning map as set forth on a survey prepared by Jay Greenwell, PLS, LLC dated February 22, 2024 and identified as “Proposed Zone Line to be Confirmed” which survey is incorporated by reference herein.

Section 2: This law shall take effect immediately upon filing with the Secretary of State.

12. RESOLUTION CALLING ON THE NEW YORK STATE LEGISLATURE TO OPPOSE THE FAITH-BASED AFFORDABLE HOUSING ACT

WHEREAS, the Faith-Based Affordable Housing Act has been introduced in both the New York State Senate (S.7791) and the New York State Assembly (A.8396) in the 2023-2024 Legislative Session; and

WHEREAS, this legislation would allow “temples, synagogues, mosques, and churches to bypass local zoning rules” to build high-density affordable housing in circumvention of local zoning regulations; and

WHEREAS, zoning has historically been the province of local governments in the State of New York; and

WHEREAS, this legislation vitiates the longstanding principle of local control over zoning and imposes a one-size fits all approach that does not universally reflect the needs, economic realities, environmental protection priorities or concerns of each community; and

WHEREAS, this legislation would allow the construction of affordable housing up to 35 feet tall, with 30 units per acre, in municipalities with fewer than 50,000 residents and up to 55 feet tall, with 50 units per acre, in municipalities with more than 50,000 residents; and

WHEREAS, this legislation expressly precludes local governments from imposing commonsense requirements designed to protect the character of their communities and the quality of life enjoyed by local residents and undermines the environmental review process; and

WHEREAS, the planning process must be predicated on a transparent, accountable and democratic mechanism through which development projects are vetted and approved by local municipalities ; and

WHEREAS, this legislation circumvents the planning process and disenfranchises the public.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Orangetown encourages the New York State Legislature to reject the Faith-Based Affordable Housing Act’s flawed approach and work with its partners in local government to develop a more thoughtful plan to promote the accessibility of affordable housing.

13. ACKNOWLEDGE NOTICE OF DISCIPLINE / APPOINT HEARING OFFICER/ EMPLOYEE NO. 4153

BE IT RESOLVED, that the Town Board hereby acknowledges the service of a Notice of Discipline, containing certain charges and specifications, preferred by the Superintendent of Highways as against Employee No. 4153.

BE IT FURTHER RESOLVED, that the Town Board hereby appoints Arbitrator/Mediator John E. Sands, Esq. to act as a hearing officer pursuant to § 75 of the Civil Service Law of the State of New York with respect to the Notice of Discipline, dated April 3, 2024, preferred against employee number 4153; and

BE IT FURTHER RESOLVED, that the Town Board hereby acknowledges that a Designation be served on Hearing Officer John E. Sands, Esq. by the Superintendent of Highways;

BE IT FURTHER RESOLVED, that the Town Board approves of the compensation of Hearing Officer John E. Sands, Esq. at a rate not to exceed \$5,000 for services rendered; and

BE IT FURTHER RESOLVED, that the Town Board acknowledges that the hearing officer is directed to conduct a hearing, make findings of fact and issue a recommendation of guilt or innocence, along with a recommended penalty, if appropriate, to the Superintendent of Highways for decision and determination.

TOWN ATTORNEY

14. **AMEND RESOLUTION 131 OF March 5, 2024 AWARDING THE CONTRACT TO STORMPEAK ENTERPRISES d/b/a THE WASHING BOARD LAUNDROMAT TO WAIVE PERFORMANCE SECURITY.**

WHEREAS, by Notice to Bidders, dated March 5, 2024, competitive bids were solicited for a two-year contract for laundry, dry cleaning and minor repair services for police uniforms; and

WHEREAS, bids for said contract were publicly opened on November 30, 2023 at which time STORMPEAK ENTERPRISES d/b/a The Washing Board Laundromat, the sole bidder, was presumptively determined to be the lowest responsible bidder; and

WHEREAS, by Resolution 131 of March 5, 2024, the Town Board confirmed that STORMPEAK ENTERPRISES d/b/a The Washing Board Laundromat, was the lowest responsible bidder and awarded the contract accordingly; and

WHEREAS, the bid solicitation required that, at the time the contract is executed, the prevailing bidder deliver performance security in the amount of \$1,000; and

WHEREAS, in the past years (including by way of example, Resolution 512 of December 14, 2021), the Board agreed to waive the requirement that STORMPEAK ENTERPRISES d/b/a The Washing Board Laundromat provide performance security based on its many years of timely and competent performance; and

WHEREAS, by letter dated March 25, 2024, STORMPEAK ENTERPRISES d/b/a the Washing Board again has requested that the Town waive the \$1,000 performance guarantee required as a condition of the award; and

WHEREAS, for more than 20 years, STORMPEAK ENTERPRISES d/b/a the Washing Board Laundromat has faithfully performed the dry cleaning, laundry and minor repair service required for police uniforms pursuant to multiple contracts duly awarded, without claim or incident.

RESOLVED, that upon the recommendation of the Town Attorney, Resolution 131 of March 5, 2024, awarding the contract for washing, dry cleaning and minor repair services for police uniforms to STORMPEAK ENTERPRISES d/b/a the Washing Board Laundromat of Pearl River, the only bidder, is hereby amended to waive the contract requirement that the vendor shall post with the Town a \$1,000 performance guarantee.

15. **APPROVAL OF 2024 CERTIFICATE OF SEWER REGISTRATION**

RESOLVED, that upon the recommendation of the Town Attorney and the Commissioner of the Department of Environmental Management and Engineering, a Certificate of Registration for 2024 Sewer Work is approved to:

- MFD Quality Construction, Inc., 173 Old Route 304, New City, NY 10956

HIGHWAY

16. **APPROVE / AUTHORIZE AGREEMENT / GAS POWERED VEHICLE REPLACEMENTS PROJECT / PIN 8TRM.86**

Authorizing the implementation, and funding in the first instance 100% of the federal-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the **Orangetown Gas Powered Vehicle Replacements, Town of Orangetown, Rockland County, PIN 8TRM.86** (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of **80% Federal** funds and **20% non-federal** funds; and

WHEREAS, the Town of Orangetown desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the miscellaneous phase.

NOW, THEREFORE, the Orangetown Town Board, duly convened does hereby

RESOLVED , that the Orangetown Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED , that the Orangetown Town Board hereby authorizes the Town of Orangetown to pay in the first instance 100% of the federal and non -federal share of the cost of miscellaneous work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$530,000** is hereby appropriated from H.5130.200.24 and H.5132.200.24 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED , that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Orangetown Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Orangetown Town Supervisor thereof, and it is further

RESOLVED, that the Supervisor of the Town of Orangetown be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the Town of Orangetown with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the Town Supervisor the following municipal titles: Highway Superintendent, Town Engineer, and Finance Director are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement, subject to review and approval of the Town Attorney's Office;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

SUMMARY OF PARTICIPATING COSTS				
PIN Fiscal Share	Funding Source (%)	TOTAL Costs	FEDERAL Funds	LOCAL Funds
8TRM.86.421	CMAQ (80%)	\$335,000.00	\$268,000.00	\$67,000.00
8TRM.86.NP S	100% Local	\$195,000.00	\$0.00	\$195,000.00
Grand Total		\$530,000.00	\$268,000.00	\$262,000.00

17. GRANT PERMISSION / ATTEND APWA PUBLIC FLEET MANAGEMENT COURSE / ALPHONSE SOMMA / DECEMBER 5, 6, 12 AND 13, 2023

RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby grants permission for Alphonse Somma, Automotive Mechanic I, Highway Department, to attend the APWA Public Fleet Management Course via Zoom on the above dates at a cost of \$225.00, to be charged to A.5132.457.00, nunc pro tunc.

18. GRANT PERMISSION / ATTEND APWA FLEET MANAGEMENT COURSE / WILLIAM LENNOX / SEPTEMBER 24, 26 AND OCTOBER 1 AND 2, 2024

RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby grants permission for William Lennox, Automotive Mechanic I, Highway Department, to attend the APWA Public Fleet Management Course via Zoom on the above dates at a cost of \$225.00, to be charged to A.5132.457.00

19. APPROVE / AGREEMENT EXPENDITURE OF HIGHWAY MONIES / TOWN OF ORANGETOWN/ 2024 PAVEMENT PRESERVATION REPAIR / IMPROVEMENT PROGRAM

WHEREAS, pursuant to the provisions of Section 284 of the Highway Law, we agree that monies bonded by the Town and received from the State for State aid for the repair & improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS, the sum of \$1,478,000 shall be set aside to be expended for primary work and general repairs upon 14.5 miles of town highways.
2. PERMANENT IMPROVEMENTS, below contains a list of roads which will be treated in the 2024 Pavement Preservation Program:

PEARL RIVER

Adams Ct
Apple Ct
Azalea Dr
Birch St
Buchanan St
Eric Dr
Fillmore St
Franklin Ave
Harding St
Harold St
Jay St
Kerry Ct
Mercury Dr
Mountainview Ave
Pear Cir
Plum Ct
Renee Ln
Robin St
Stone Haven Rd
Van Buren St

ORANGEBURG

Bunker Hill Rd
Deer Park Rd
Fort Lee Pl
Jim Dean Dr
Kingswood Dr
Monmouth Ct
North Queen's Ct
Prince's Gate
Ramland Rd
Rutgers Rd E.
Rutgers Rd W.
South Queen's Ct

BLAUVELT

Blauvelt Rd

Burrows Ln
Derfuss Ln
Eisenhower Ct
Ellsworth Dr
Garber Hill Rd
Glenwood Dr
Holly Ct
Hoover St
John F Kennedy Dr
Johnson Ln
Lapin Ln
Michael Dr
Milton Grant Dr
North Moison Rd
Parkway Drive N.
Paul Ct
Terry Ln

TAPPAN

Brandt Ave
Campbell Ave
Lexington Rd
Rockland Park Ave
Van Wardt Pl

SPARKILL

William St

SOUTH NYACK

Chase Ave
College Ave
Elysian Ave
Lowland Drive
Prospect Street
Ross Ave
Upland Drive
Washington St
White Ave

There will be money spent on other Town Highways as needed to maintain a safe driving surface. This agreement shall take effect when it is approved by the Town Board.

RESOLVED, approve Agreement for expenditure of Highway monies, between the Town Superintendent of Highways of the Town of Orangetown, Rockland County, New York and the undersigned members of the Town Board.

20. **AWARD CONTRACT/ CURBSIDE COLLECTION, TRANSPORTATION AND DISPOSAL OF RESIDENTIAL RECYCLABLE MATERIALS / CAPASSO AND SONS, INC.**

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for the curbside collection of recyclables, which were publicly opened on April 25, 2024. The

Superintendent of Highways made his recommendation to the Town Board and made part of these minutes.

NOW THEREFORE, BE IT RESOLVED, that this bid is hereby awarded to Charles Capasso and Sons, Inc, Stony Point, NY the only qualified bidder, in the amount of \$8.50 per dwelling unit for collection once per week, every week for 2024/2025; \$9.18 per dwelling unit for collection once per week, every week for 2025/2026; \$9.91 per dwelling unit for collection once per week, every week for 2026/2027; \$10.70 per dwelling unit for collection once per week, every week for 2027/2028; \$11.56 per dwelling unit for collection once per week, every week for 2028/2029.

Work completed under this contract will be charged to Account # B.8160.457.17.

21. ACCEPT WITH REGRET, THE RESIGNATION / RETIREMENT OF MICHAEL O'SULLIVAN / MAINTENANCE SUPERVISOR AUTOMOTIVE / HIGHWAY DEPARTMENT / EFFECTIVE MAY 4, 2024

RESOLVED, that the Superintendent of Highways and the Town Board accepts with regret, the resignation/retirement of Michael O'Sullivan, Maintenance Supervisor Automotive from the Orangetown Highway Department, after 21 years, effective May 4, 2024.

PARKS AND RECREATION

22. ACCEPT DONATION / EAGLE SCOUT PROJECT / COMMUNICATION BOARDS

RESOLVED, upon the recommendation of the Superintendent of Parks, Recreation & Building Maintenance accept with gratitude the donation and installation of Communication Boards by Eagle Scout Harry Mirijanian IV, Troop 55 Blauvelt, NY at the following locations:

- Freedom Park Playground at Veterans Memorial Park
- Cherry Brook Park
- Pilgrim Court Park
- Sparkill Memorial Park
- Stoughton Park
- Tappan Park

23. ACCEPT / DONATION / MEMORIAL BENCH / VETERANS MEMORIAL PARK

RESOLVED, upon the recommendation of the Superintendent of Parks, Recreation & Building Maintenance accept the donation of a Memorial Bench to be placed at Veterans Memorial Park. Engraving to read:

In Loving Memory
Michael Kenneth Murray

24. **ACCEPT / DONATION / MEMORIAL BENCH / RAIL TRAIL**

RESOLVED, upon the recommendation of the Superintendent of Parks, Recreation & Building Maintenance accept the donation of a Memorial Bench to be placed along the Rail Trail. Engraving to read:

Kathleen Whelan Knorowski
Forever in our Hearts

25. **ACCEPT / DONATION / MEMORIAL BENCH / TAPPAN MEMORIAL PARK**

RESOLVED, upon the recommendation of the Superintendent of Parks, Recreation & Building Maintenance accept the donation of a Memorial Bench to be placed at in Tappan Memorial Park.

Joan L. Coffey 1937-2020
Mom, Yiayia, Grandma, Great-grandma, Teacher

26. **AWARD CONTRACT / TREE REMOVAL / BLUE HILL & BROADACRES GOLF COURSES / SAVATREE**

RESOLVED, upon the recommendation of the Superintendent of Parks, Recreation and Building Maintenance award the contract for tree removals at Blue Hill and Broadacres Golf Course to SavATree of Northvale, NJ under Rockland County Contract #RFB-RC-2021-017, under the Article 5-a of the New York General Municipal Law and Chapter 1A, Article IV of the Orangetown Town Code, permitting "piggybacking" onto properly bid municipal contracts, in an amount not to exceed \$275,000.00.

POLICE

27. **AUTHORIZE / INTERMUNICIPAL AGREEMENT WITH ROCKLAND COUNTY FOR REIMBURSEMENT OF THE COSTS OF LAW ENFORCEMENT OVERTIME FOR COUNTERTERRORISM TRAINING**

WHEREAS, Rockland County, in an effort to provide financial assistance to local law enforcement and make a disbursement of grant funds from the LETPP and SHSP grants to the Town for law enforcement purposes only, and

WHEREAS, the County of Rockland has agreed to reimburse the Town of Orangetown for the cost of law enforcement overtime for counterterrorism training, and

WHEREAS, the County of Rockland, pursuant to its Resolution No. 201 of 2024 has agreed to recommend to the County Executive to approve the aforesaid Intermunicipal Agreement and to reimburse the Town of Orangetown in the amount not to exceed \$30,000 for the above referenced overtime related to counterterrorism training for the period covering September 1, 2020 through August 31, 2021, and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipal governments to perform together that which each government is authorized to perform individually and

requires that any inter-municipal agreement be approved by each participating municipal corporation by a majority vote of its governing body, and

WHEREAS, the Town Board finds and determines that such agreement and reimbursement for training is in the best interests of the good and welfare of the Town in the operations of its governmental functions,

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby approves entering into the Intermunicipal Agreement between the Town of Orangetown and County of Rockland as set forth in the County's Resolution No. 201 of 2024 with respect to the reimbursement of the sum not to exceed \$30,000 for overtime costs incurred for counterterrorism training, and authorizes the Supervisor or her designee to execute the aforesaid Intermunicipal Agreement and any and all documents necessary to effectuate same.

DEME

28. **RECOGNIZE APPOINTMENT DEME / JOHN CURRAN / SEWAGE SYSTEM MECHANIC I / PROBATIONARY / GRADE 14, STEP 14/18 / EFFECTIVE APRIL 22, 2024**

RESOLVED, the Board recognizes and acknowledges the appointment by the Commissioner of DEME, of John Curran to Sewage System Mechanic I Grade 14, Step 14/18, Probationary at an annual salary \$104,346 effective as of April 22, 2024.

29. **RECOGNIZE APPOINTMENT DEME/ LAWRENCE GIANNETTA / MAINTENANCE MECHANIC I / PROBATIONARY / GRADE 14, STEP 14/18 / EFFECTIVE APRIL 22, 2024**

RESOLVED, the Board recognizes and acknowledges the appointment by the Commissioner of DEME, of Lawrence Giannetta to Maintenance Mechanic I Grade 14, Step 14/18, Probationary at an annual salary \$104,346 effective as of April 22, 2024.

30. **RECOGNIZE APPOINTMENT DEME / MARTIN MURPHY / ASSISTANT MAINTENANCE SUPERVISOR (SEWERAGE SYSTEMS) / PROVISIONAL / GRADE 18, STEP 2 / EFFECTIVE APRIL 22, 2024**

RESOLVED, the Board recognizes and acknowledges the appointment by the Commissioner of DEME, of Martin Murphy to Assistant Maintenance Supervisor (Sewerage Systems) Grade 18, Step 2, Provisional, at an annual salary \$95,180 effective as of April 22, 2024.

LEND ASSISTANCE

31. **COMBINE / APPROVE AGENDA ITEMS #32 TO 35**

RESOLVED, the Town Board hereby combines and approves agenda items #32 to 35.

32. APPROVE/ LEND ASSISTANCE/ ROCKLAND SOLACE SUNRISE SUICIDE PREVENTION WALK/ SATURDAY, MAY 18, 2024

RESOLVED, upon the recommendation from the Superintendent of Highways & the Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of barricades & cones from the Highway Department and Police detail from OPD, for the Solace Sunrise Suicide Prevention Walk in Orangeburg, to be held on Saturday, May 18, 2024, from 5:30am – 7:30 am.

33. APPROVE/ LEND ASSISTANCE /2024 GRAN FONDO NY RACE / SUNDAY, MAY 19, 2024

RESOLVED, upon the recommendation of the Superintendent of Highways and Parks and Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of cones, barricades, barrels and detour signs from the Highway Department, the approval of the use of the Rail Trail from the Parks Dept., and traffic control from the Police Dept., for the Gran Fondo NY Race on Sunday, May 19, 2024 from 8am-3pm.

34. APPROVE / LEND ASSISTANCE / 2024 TAPPAN MEMORIAL DAY PARADE / MAY 27, 2024

RESOLVED, upon the recommendation from the Superintendent of Highways & the Chief of Police, that the Town Board hereby authorizes these two departments to lend assistance which includes the use of barricades and message boards from the Highway Department, and auxiliary police detail from the Police Department, for the Tappan Memorial Day Parade to be held on Monday, May 27, 2024, from 10:00am- 2:00 pm.

35. APPROVE / LEND ASSISTANCE / PLUS POLISH FESTIVAL / SATURDAY JUNE 1 - SUNDAY JUNE 2, 2024

RESOLVED, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of barricades, plastic barrels, cones, one message board, sidewalk control on road edge and plastic fencing from the Highway Department and auxiliary police from OPD, for the Plus Polish Festival to be held on Saturday, June 1, 2024 from 11am to 10pm and Sunday, June 2, 2024 from 11am to 9pm.

TOWN CLERK

36. 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: April 2, 2024 Police Commission; April 2 & 16, 2024 Regular Town Board Meeting.

2. Agreement & Contracts:

- Dormitory Authority of the State of New York (DASNY) Grant Disbursement Agreement for the purchase of a Combination Sewer Cleaning Truck.
- Pearl River Farmers Market Agreement with The Valley Area Network, Inc.

AUDIT

37. **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 four (4) warrants (attached) for a total of **\$4,259,790.73**.

EXECUTIVE SESSION

38. **ENTER EXECUTIVE SESSION**

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

ADJOURNMENTS

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

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

- ❖ **Matthew Duffy**, *Resident of Tappan and Brother of Orangetown Employee Hugh Duffy*
- ❖ **Richard Gurniak**, *Resident of Pearl River*
- ❖ **Philip Lane**, *Resident of Pearl River*
- ❖ **Ed McPherson**, *Retired Code Enforcement Officer for the Town of Orangetown*
- ❖ **Casimira Pakola**, *Mother of Orangetown Employee Rick Pakola*