



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday April 22, 2025

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:

- ◆ **PEARL RIVER FARMERS MARKET - Saturdays starting May 3, 2025 / 10 am - 2 pm / Central Avenue Field, Pearl River**
- ◆ **ORANGETOWN SHREDDING EVENT - Rescheduled to Saturday, May 10, 2025 / 8:00 a.m. - 11:30 a.m. Hosted by Orangetown Town Clerk, Rosanna Sfraga; Rockland Green; and People to People. Please bring non-perishable food items for a donation to People to People.**

DISCUSSION:

- ◆ **Discussion Regarding Route 303 Overlay Zone**
- ◆ **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 APRIL 22, 2025 AT 7:05 P.M. / PROPOSED AMENDMENT TO CHAPTER 14B, "FLOOD DAMAGE PREVENTION"**

RESOLVED, that the Public Hearing on a proposed local law, amending Chapter 14B, entitled Flood Damage Prevention, to comply with the floodplain management requirements of the National Flood Insurance Program (NFIP) in order to maintain NFIP participation is hereby opened.

PRESENTATION of Affidavit of Public Hearing posting and publication

SUMMARY OF COMMENTS:

4. **CLOSE OR CONTINUE PUBLIC HEARING / RTBM OF APRIL 22, 2025 AT 7:05 P.M. / PROPOSED AMENDMENT TO CHAPTER 14B, "FLOOD DAMAGE PREVENTION"**

RESOLVED, that the Public Hearing on a proposed local law, amending Chapter 14B, entitled Flood Damage Prevention, to comply with the floodplain management requirements of the National Flood Insurance Program (NFIP) in order to maintain NFIP participation is hereby closed or continued to _____.

5. **ADOPTION OF LOCAL LAW NO. ____ OF 2025, REPEALING ALL PROVISIONS OF ORANGETOWN CODE CHAPTER 14B (FLOOD DAMAGE PREVENTION), AND REPLACING SAME WITH NEW PROVISIONS AS AUTHORIZED BY NYS CONSTITUTION, ARTICLE IX, §2, AND NYS ENVIRONMENTAL CONSERVATION LAW, ARTICLE 36.**

It is hereby **RESOLVED**, by the Town Board of the Town of Orangetown, as follows:

WHEREAS, as per the correspondence, dated March 12, 2025, of the NYS Department of Environmental Conservation's Division of Water and Bureau of Flood Protection and Dam Safety ("DEC"), in accordance with the DEC's referenced Letter of Map Revision ("LOMR"), the Flood Insurance Rate Map panel number 36087C0166G, dated March 3, 2014, has been revised. As per the DEC's said correspondence, this is a physical change to the Town of Orangetown's ("Town" or "Orangetown") Flood Insurance Rate Maps, in that it displays an expansion in the boundaries of the Special Flood Hazard Area labeled as Zone AE, and a decrease in Base Flood Elevations, to correctly reflect the effective modeling for Pascack Brook. The Flood Insurance Study report for Rockland County, dated March 3, 2014, has also been revised to incorporate these changes in Flood Profile 85P, and in Floodway Data Table 10.

WHEREAS, the DEC's said March 12, 2025, correspondence further advised that, after the DEC's review of the Town's local floodplain management regulations, embodied in Orangetown Code Chapter 14B (Flood Damage Prevention), and given the recent changes to the NYS Building Codes, the DEC strongly recommends that the Town replace its existing floodplain management regulations by repealing Orangetown Code Chapter 14B (Flood Damage Prevention), in its entirety, and enacting the DEC's new model local law,

which DEC-mandated new model local law was updated, by the DEC, to include State program changes made since the adoption of the Town's Chapter 14B.

WHEREAS, the DEC's said model local law reflects minimum National Flood Insurance Program ("NFIP") regulatory standards and requirements for floodplain management, and which the Town is required to adopt in order to maintain NFIP participation, which the Town Board finds to be essential for addressing the potential and/or actual damages from flooding and erosion, which may be a serious problem to the residents of Orangetown, which damages may include destruction or loss of private and public housing; damage to public facilities, both publicly and privately owned; and injury to, and loss of, human life. In order to minimize the threat of such damages, and to achieve the purposes and objectives set forth above, this Local Law is adopted by the Town Board.

WHEREAS, the Town Board hereby declares itself Lead Agency for the purposes of environmental review with respect to the proposed Resolution, in accordance with Article 8 of the Environmental Conservation Law of the State of New York, and the Regulations promulgated thereunder at 6 NYCRR 617 (collectively, the State Environmental Quality Review Act or SEQRA).

WHEREAS, the Town Board, as the SEQRA Lead Agency, has determined that the proposed Action meets the criteria of a Type II Action under SEQRA Regulation §617.5(c) (33), which is exempt from, and is not required to undergo, a SEQRA environmental review (see also, SEQRA Regulations §617.5[c][25], [26] and [27]).

WHEREAS, the Town Board has determined that this proposed Local Law is not subject to the mandates of NYS General Municipal Law ("GML") §239-m, and, therefore, not required to be referred to the Rockland County Planning Department for GML review.

WHEREAS, the Town Board has complied with all public notice requirements as mandated by NYS statute(s) and the Orangetown Code, and the proposed Local Law has been distributed to the Town Board as per NYS Municipal Home Rule Law §20(4), and a Public Hearing was duly held by the Town Board regarding the proposed Local Law on April 22, 2025, at which time all persons in support of, in opposition to, or concerned about, this proposed Local Law, were offered an opportunity to be heard.

NOW, THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE TOWN BOARD, AND THE FINDINGS MADE HEREIN, BE IT RESOLVED that the Town Board hereby adopts and enacts the proposed Local Law in the form and substance, as may have been amended herein, by hand, during the Public Hearing, as set forth below; which Resolution was moved by _____, seconded by _____, and (adopted / rejected) by a roll call vote as follows:

| | Aye | Nay |
|----------------------|-------|-------|
| Supervisor Kenny | _____ | _____ |
| Councilman Bottari | _____ | _____ |
| Councilman Donohue | _____ | _____ |
| Councilman Sullivan | _____ | _____ |
| Councilman Valentine | _____ | _____ |

6. **ESTABLISH A FARMERS MARKET / APPROVE AGREEMENT / THE VALLEY AREA NETWORK, INC. / 2025 FARMERS MARKET MANAGER / PEARL RIVER**

WHEREAS, in the furtherance of the public interest and consistent with sustainability efforts, good eating habits, and providing a vast array of services for our residents, it would be appropriate to permit a weekly Farmers Market for selected regional farmers and vendors to sell goods and produce; and

WHEREAS, the Town has prepared a proposed Professional Services Agreement with The Valley Area Network, Inc. to utilize the School District-owned Central Avenue Field in Pearl River for the Farmers Market under the terms and conditions specified by the School District and Town; and

WHEREAS, the Town has drafted a Standard License Agreement to be used in conjunction with the Farmers Market to permit Farmers/Vendors to sell fresh farm and related products under certain terms and conditions specified in the Professional Services and Standard License Agreements including a requirement that each Farmer/Vendor submit, as required, a Certificate of Insurance provided for in the proposed License Agreement; and

NOW THEREFORE BE IT, RESOLVED, that pursuant to New York General Municipal Law Section 72- p, the Town Board hereby establishes a Farmers Market, to be known as the "Pearl River Farmers Market", for public purposes for the benefit of the community, located in downtown Pearl River, to be held **on Saturdays between the hours of 10 am and 2 pm from May 3, 2025 to November 29, 2025; and**

BE IT FURTHER RESOLVED, that pursuant to the authority of GML 72- p, Town Board hereby authorizes the Supervisor to execute an Agreement, on behalf of the Town, as proposed and written, subject to final review and approval by the Town Attorney's Office, with The Valley Area Network, Inc., to provide professional services including but not limited to: operations, marketing, management, vendor recruitment, and scheduling of the Pearl River Farmers Market, subject to the approval of the Town Board, and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town Highway Department and Parks & Recreation Department to assist in the implementation of the Pearl River Farmers Market which includes trash cans, electronic message boards and port-o-johns.

7. **SET PUBLIC HEARING /JUNE 10, 2025 AT 7:05 PM / PROPOSED LOCAL LAW / AMEND CHAPTER 43 ARTICLE XV / LANDLORD REGISTRY**

RESOLVED, the Town Board will hold a Public Hearing on June 10, 2025 at 7:05 pm on a proposed amendment to the Town Code, Chapter 43, Zoning, Article XV, entitled "Landlord Registry Act and Short-Term Use of Property for Rental or Rental-Like Purposes" to update definitions on properties to which the registry applies and maintenance of the registry by the Office of Building Zoning Planning Administration and Enforcement (OBZPAE).

8. **DECLARATION OF INTENTION OF TOWN BOARD TO SERVE AS LEAD AGENCY PURSUANT TO SEQRA / UNLISTED ACTION / GML REFERRAL**

WHEREAS, the Town Board is desirous of updating the regulations for the Landlord Registry authorized by Chapter 43, Article XV of the Town Code, to provide for updated definitions on properties to which the registry applies, maintenance of the registry by the Town's Office of Building Zoning Planning Administration and Enforcement (OBZPAE), and

WHEREAS, upon review of the proposed Local Law, Short Environmental Assessment Form, and related documents and filings, the Board makes the following preliminary determinations:

1. The proposed action is one subject to review under the State Environmental Quality Review Act ("SEQRA");
2. The proposed action as an "Unlisted" action; and
3. The following are involved or interested or involved agencies in the review process:
 - Orangetown Planning Board;
 - Rockland County Department of Planning;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review under SEQRA, and directs that a Lead Agency Coordination Letter with relevant documents be circulated to and among the various above referenced agencies; and

BE IT FURTHER RESOLVED, that the circulation to the Rockland County Department of Planning further be for the purpose of review pursuant to General Municipal Law §§ 239- l & m; and

BE IT FURTHER RESOLVED, that, pursuant to Town Code Chapter 43, Section 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.

TOWN ATTORNEY

9. **HOLD HARMLESS AND INDEMNIFICATION AGREEMENT – LUKE PETROCELLI AND SARAH PETROCELLI, 483 KINGS HIGHWAY, SPARKILL, NY (74.20-3-5.2)**

WHEREAS, Luke Petrocelli and Sarah Petrocelli, the owners of property located at 483 Kings Highway, Sparkill, New York, have applied to the Town Highway Department for permission to construct a fence on an existing Town right-of-way/easement; and

WHEREAS, the matter has been reviewed by the Highway Department and the Highway Department has required that the fence may be built provided the owners of the property provide to the Town an indemnification and hold harmless agreement,

NOW, THEREFORE, BE IT RESOLVED, that the Town hereby grants to 483 Kings Highway, Sparkill, New York (74.20 -3-5.2), a revocable license, in the form of a Covenant, Hold Harmless and Indemnification Agreement, which provides in sum and substance that the fence may be built, but that the owner must defend, indemnify and hold harmless the

Town for any damage related thereto and caused thereby, and that said structure must be removed upon notice as set forth therein, otherwise to be removed by the Town at the expense of the property owner and,

BE IT FURTHER RESOLVED, that the Supervisor or her designee is hereby authorized to execute the Covenant, Hold Harmless and Indemnification Agreement and any and all other documents necessary in order for same to be recorded in the Rockland County Clerk's Office, at the expense of the owner.

HIGHWAY

10. **AWARD BID/ ONE NEW FULLY ELECTRIC COMPACT VACUUM STREET SWEEPER/ TRIUS INC./ BOHEMIA NY**

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for New Fully Electric Compact Vacuum Street Sweeper with Articulating 3rd Brush System, which was received and publicly opened on February 20, 2025; and,

NOW, THEREFORE, BE IT RESOLVED, upon the recommendation from the Superintendent of Highways, the Town Board hereby awards the bid to Trius, Inc., Bohemia, NY, the lowest qualified bidder, in the amount of \$643,887.00 to be charged to H.5130.200.24.

11. **RECOGNIZE APPOINTMENT / SEAN BUNIS/ HIGHWAY MAINTENANCE MECHANIC/ PROBATIONARY/ GRADE 11, STEP 2 / EFFECTIVE APRIL 21, 2025**

RESOLVED, that the Town Board hereby recognizes the appointment of Sean Bunis by the Superintendent of Highways, to the position of Highway Maintenance Mechanic, Grade 11, Step 2 at a salary of \$64,062 effective April 21, 2025.

12. **RECOGNIZE APPOINTMENT / WILLIAM LENNOX/ AUTOMOTIVE MECHANIC II/ PROBATIONARY/ GRADE 16, STEP 19/24 / EFFECTIVE APRIL 7, 2025**

RESOLVED, that the Town Board hereby recognizes the appointment of William Lennox by the Superintendent of Highways, to the position of Automotive Mechanic II, Grade 16, Step 19/24 at a salary of \$119,629 effective April 7, 2025.

BUILDING

13. **APPROVE FLEXIBLE WORK SCHEDULE / OBZPAE / MAY 19, 2025 – SEPTEMBER 19, 2025**

RESOLVED, upon the recommendation of the Acting Director of OBZPAE, approve a change to the basic work week for the employees of OBZPAE, from Monday to Friday, 8 am to 4 pm, to a four day work week (Monday to Thursday/Tuesday to Friday), 7:30 am to 5:15 pm. This flexible work schedule shall be in place from May 19, 2025 to September 19, 2025. In accordance with Section 5.1.2 of the Collective Bargaining Agreement, the Town Board has the sole responsibility for establishing flexible hour schedules. This resolution does not apply to the Acting Director or Director of OBZPAE.

PARKS AND RECREATION

14. ACCEPT WITH REGRET / RESIGNATION / DAVID TORRES / SR. REC. SUPERVISOR

RESOLVED, upon the recommendation of the Superintendent of Parks, Recreation and Building Maintenance accept with regret the resignation of Senior Recreation Supervisor David Torres effective April 11, 2025.

POLICE

15. ACCEPT RESIGNATION/RETIREMENT POLICE OFFICER LAWRENCE AYERS / POLICE DEPARTMENT / EFFECTIVE APRIL 29, 2025

RESOLVED, that upon the recommendation of the Chief of Police, accept the resignation/retirement of Police Officer Lawrence Ayers, from the Orangetown Police Department effective April 29, 2025.

16. ACCEPT RESIGNATION/RETIREMENT POLICE RADIO OPERATOR THERESA JOOS / POLICE DEPARTMENT / EFFECTIVE APRIL 25, 2025

RESOLVED, that upon the recommendation of the Chief of Police, accept with regret, the resignation/retirement of Police Radio Operator Theresa Joos, from the Orangetown Police Department effective April 25, 2025.

DEME

17. AWARD CONTRACT / SENTRY EQUIPMENT CORP. / WWTP REPAIR/REBUILD PRIMARY CLARIFIER #2

WHEREAS, the Commissioner of Environmental Management & Engineering duly advertised for the WWTP Repair/Rebuild Primary Clarifier #2, which were received and publicly opened on March 13, 2025; and,

NOW, THEREFORE, BE IT RESOLVED, upon the recommendation of the Commissioner of Environmental Management & Engineering, award the contract for the WWTP Repair/Rebuild Primary Clarifier #2 to Sentry Equipment Corp., Oconomowoc, WI, to the lowest qualified bidder in the amount of \$449,752.90 to be charged to account #G.8120.410.

18. AWARD CONTRACT / ENVIRONMENTAL CONSTRUCTION, INC. / OAK STREET SANITARY SEWER IMPROVEMENTS

WHEREAS, the Commissioner of Environmental Management & Engineering duly advertised for the Oak Street Sanitary Sewer Improvements, which were received and publicly opened on March 6, 2025; and,

NOW, THEREFORE, BE IT RESOLVED, upon the recommendation of the Commissioner of Environmental Management & Engineering, award the contract for the Oak Street Sewer

Improvements to Environmental Construction, Inc., Stony Point, NY, the lowest qualified bidder in the amount of \$126,325.00 to be charged to account #H.8120.200.24.

FINANCE

19. **APPOINT ROBERT SCHWANTNER / ACCOUNT CLERK-TYPIST / PROBATIONARY / GRADE 4, STEP 1 / EFFECTIVE APRIL 23, 2025**

RESOLVED, that upon the recommendation of the Director of Finance, appoint Robert Schwantner to the position of Account Clerk -Typist from Eligible List #25016010, Probationary, Grade 4, Step 1 at a salary of \$43,519, effective April 23, 2025.

LEND ASSISTANCE

20. **APPROVE / LEND ASSISTANCE / PEARL RIVER SCHOOL DISTRICT / SHOWMOBILE / ARTS IN THE PARK / SATURDAY, MAY 17, 2025**

RESOLVED, upon the completion of the necessary paperwork the Superintendent of Parks, Recreation and Building Maintenance has forwarded to the Town Board for approval the use of the showmobile by the Pearl River School District for their Arts in the Park Event to be held on Saturday, May 17, 2025 with the school district providing a certificate of insurance naming the Town of Orangetown as an additional insured.

TOWN CLERK

21. **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: March 11, 2025 Police Commission; March 11 & 25, 2025 Regular Town Board Meetings and March 31, 2025 Special Town Board Meeting
2. Agreement:
Millennium Strategies (grant writer) 2025

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 \$2,171,253.87.

EXECUTIVE SESSION

23. ENTER EXECUTIVE SESSION

RESOLVED, at _____ pm, the Town Board entered Executive Session to discuss matters relating to personnel.

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:

- ❖ **Janet Kopac**, *Resident of Blauvelt*
- ❖ **Patricia Sheridan**, *Resident of Pearl River*