



**TOWN OF ORANGETOWN  
TOWN BOARD MEETING MINUTES  
March 07, 2023**

This meeting was opened at 7:10 pm. Supervisor Teresa M. Kenny presided and Rosanna Sfraga, Town 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  
Rosanna Sfraga, Town Clerk  
Joseph Thomassen, Deputy Clerk  
Robert Magrino, Town Attorney  
Jeff Bencik, Finance Director  
Stephen Munno, Sr. Administrative Assistant  
Jane Slavin, Director of OBZPAE  
Eamon Reilly, Commissioner of DEME  
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  
James Acheson, Police Captain  
Michael Shannon, Police Captain

**Pledge of Allegiance to the Flag**

**ANNOUNCEMENTS:**

- ❖ **59th ANNUAL ROCKLAND COUNTY ST. PATRICK'S DAY PARADE IN PEARL RIVER, NY / SUNDAY, MARCH 19, 2023 AT 1:30 P.M. / RAIN OR SHINE**
- ❖ **2023 MILITARY TRIBUTE BANNER PROGRAM / Please email: [supervisor@orangetown.com](mailto:supervisor@orangetown.com) for more details / The deadline to order or renew your banner will be Friday, April 14, 2023**
- ❖ **ORANGETOWN SHREDDING EVENT- Saturday, April 15, 2023 / 8:00 a.m. - 11:30 a.m. Hosted by Orangetown Town Clerk Rosanna Sfraga, Rockland Green and People to People**

**PRESENTATIONS:**

- **Certificate of Recognition - Eagle Scout Jack C. Gannon**
- **2023 National Sisters Week and Women's History Month / Week of March 8 - 14, 2023, Honoring Sister Mary Collins and Sister Mary Flood of the Sisters of Saint Dominic of Blauvelt, New York; and Sister Grace Hogan and Sister Aileen Donovan of the Dominican Sisters of Sparkill, New York.**
- **2023 Irish Cultural Heritage Month Honoring Laurence "Larry" DeGennaro", Hibernian of the Year; Breda Lyons and Catherine Levins, Hibernian Business People of the Year; Sheriff Louis Falco, Parade Commander; and Thomas "Tom" Leavey, Parade Grand Marshal; and Dennis Toal, Aide to the Grand Marshal, NYC.**

**DISCUSSION:**

Workshop of Agenda Items

**RESOLUTION NO. 143**

**OPEN PUBLIC COMMENT PORTION**

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

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

**Summary of Public Comments (RTBM)**

Gerry Goggin & Susan McWhinney, Orangeburg, spoke about RCW's proposal and Farm Winery & Farm Cidery Liquor Licenses. They believe that RCW is not a Farm Winery or Farm Cidery. The property is zoned Residential and the Town should not rezone it to accommodate illegal establishments.

Sheean Haley, Nyack, is in favor of Van Houten Farm stand & the local businesses there but against RCW's proposal & changing the zoning.

Mike Mandel, Pearl River, concerned that some buildings' addresses are not visible.

Andrew Wiley, Sparkill, asked the Board to look at the fees for commercial & residential building permits, requested a graduated fee scale and/or a payment plan.

Margaret Thomsen, Tappan, requested a "No Parking" sign on Old Tappan Rd be fixed and wonders why the Main St sign in Tappan was removed.

Barbara Delo, Blauvelt, believes there is a growing distance between the elected officials and the people they serve.

Joyce Taub, W. Nyack, does not understand why the Town is still considering RCW's proposal. Rehashing this again and again is a waste of time and money.

**RESOLUTION NO. 144**

**CLOSE PUBLIC COMMENT PORTION**

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

Councilperson Paul Valentine 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. 145**

**OPEN PUBLIC HEARING / REQUEST FOR DEMAPPING OF SECOND STREET, PEARL RIVER, NY**

**RESOLVED**, that the Public Hearing regarding a Request for Demapping of Second Street, Pearl River, NY is hereby opened.

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. 145 – Continued**

Rosanna Sfraga, Town Clerk presented the Affidavits of Publication and Postings; which are labeled Exhibit 03-07-A and made a part of these minutes.

Summary of Public Comments: None

**RESOLUTION NO. 146****CLOSE PUBLIC HEARING / REQUEST FOR DEMAPPING OF SECOND STREET, PEARL RIVER, NY**

**RESOLVED**, that the Public Hearing regarding the Request for Demapping of Second Street, Pearl River, NY is hereby closed.

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. 147****AUTHORIZE REMOVAL OF SECOND STREET FROM TOWN TAX MAP/WEST CARROLL STREET / WEST CROOKED HILL ROAD, PEARL RIVER, NY**

**WHEREAS**, a Notice of Petition and Petition have been filed with the Town Clerk on behalf of the following property owners: Kenny and Lisa Smellegar, residing at 44 West Crooked Hill Road, Pearl River, NY, Tax Lot 68.12/1/28; Mary and Robert Gabalski, residing at 54 West Crooked Hill Road, Pearl River, NY, Tax Lot 68.12/1/27; Caitlin and William Lennox, residing at 47 West Carroll Street, Pearl River, NY, Tax Lot 68.12/1/38; and Sarah and Charles McGillick, residing at 53 West Carroll Street, Pearl River, NY, Tax Lot 68.12/1/39 (the "applicants") pursuant to New York Town Law §273 for the removal and/or demapping of "Second Street" which is a certain piece of property that is more fully described below, from the official tax map of the Town of Orangetown and;

**WHEREAS**, The Town of Orangetown has never accepted a deed to the premises, nor accepted same for dedication, nor improved or maintained same in any manner, and;

**WHEREAS**, the Superintendent of Highways, James J. Dean has advised in a letter dated June 14, 2022 that his department has no intention of utilizing said property for Town Road purposes and has no interest in accepting or exercising any rights over same and;

**WHEREAS**, the Town of Orangetown Planning Board, in correspondence to the Town Board dated February 8, 2023, has expressed that it has no objection to the proposed demapping of the portion of Second Street that is under consideration herein, and;

**WHEREAS**, the applicants have agreed and will be required to file a covenant against further subdivision of the premises and agree to pay the costs of the recording of same with the Rockland County Clerk's Office, and;

**WHEREAS**, Jane Slavin, Director of the Office of Building, Zoning, Planning and Enforcement has prepared a Short Form EAF for the purposes of compliance with the State Environmental Quality Review Act (SEQRA), and has advised that the proposed action by the Town Board herein is an "unlisted" action for purposes of SEQRA, and;

**WHEREAS**, the proposed action by the Town Board does not involve approval of any disturbance of land, or change of zone, or change of use of said property and;

**WHEREAS**, it is understood that the applicants have agreed to Quitclaim any rights the other might have to each other over the portion to be demapped;

**RESOLUTION NO. 147 - Continued**

**NOW THEREFORE IT IS HEREBY RESOLVED**, that in accordance with §273 of the New York Town Law, upon the evidence presented herein and upon the advice and recommendation of the Superintendent of Highways, and the Town Attorney's Office as follows:

1. This is an unlisted action subject to the New York State Environmental Quality Review Act. The Town of Orangetown Town Board appoints itself as Lead Agency for the uncoordinated review of this action. There are no other involved agencies. There will be no significant adverse impact on the environment as a result of this action. The basis for this determination is that the action involves the demapping of a portion of a "paper street" and will involve no disturbance to the land involved. Such demapping will have no impact on the site and will not disturb any environmentally sensitive sites and will not cause any adverse environmental impact upon the air quality, vegetation, ground water, or Town goals and objectives.
2. This proposed resolution was heard at properly noticed Public Hearing before the Town Board.
3. The Town Board hereby authorizes the demapping of the entirety of "Second Street which is a certain piece of property described as follows:
  - a. 110' in length and 25' wide immediately adjacent to the Smellegar property located at 44 West Crooked Hill Road, Pearl River;
  - b. 110' in length and 25' wide immediately adjacent to the Gabalski property located at 54 West Crooked Hill Road, Pearl River;
  - c. 105.69' in length and 25' wide immediately adjacent to the Lennox property located at 47 West Carroll Street, Pearl River;
  - d. 105.50' in length and 25' wide immediately adjacent to the McGillick property located at 53 West Carroll Street, Pearl River.
4. As a condition of this demapping, any rights to such lands as claimed by the applicants may not be used to subdivide their respective properties, and the applicants shall be required to execute and file a Restrictive Covenant Against Further Subdivision subject to review and approval of same by the Town Attorney's Office, with the understanding that the properties may seek subdivision for the purpose of extending their existing lots, but may not create a new lot or lots from the portion of Second Street to be demapped. Said Covenant shall be filed and recorded in the Rockland County Clerk's Office at the expense of the applicant.
5. The Town Supervisor or her designee is authorized to execute on behalf of the Town, all documents necessary to effectuate the demapping of said street and all documents that may be necessary to record the Restrictive Covenant Against Further Subdivision.
6. This action shall not affect the right, title or interests, if any, of any parties with respect to the portion of the lands demapped herein.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Paul Valentine 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

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**RESOLUTION NO. 148**

**CONTINUATION OF PUBLIC HEARING FROM JANUARY 24, 2023 / ACCEPT DRAFT COMPREHENSIVE PLAN / CONSIDER ADOPTING THE ORANGETOWN COMPREHENSIVE PLAN**

**RESOLVED**, that the Public Hearing regarding accepting the Draft Comprehensive Plan and considering adopting the Orangetown Comprehensive Plan, is hereby resumed.

**RESOLUTION NO. 148 - Continued**

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Paul Valentine 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:**

Barbara Delo, Blauvelt, urged the Town Board to vote "No" and revert to the original plan. The new plan is not what the residents want. Variances should be used and avoid state programs & grants. Margaret Thomsen, Tappan, asked if the Comp Plan was only renovating Pearl River and Historic Areas.

Mike Mandel, Pearl River, commented that height levels should be limited and he informed the Town Board of other inconsistencies.

Wayne Govioli, Orangeburg, requested more time for the public to review the plan before voting on it. It's a poor plan and needs more work; Why fix something that is not broken.

Thom Kleiner, Sparkill, discussed two issues: Housing and the Comprehensive Plan (Exhibit 03-07-B) and urged the Town Board to vote on it tonight.

Andrew Wiley, Sparkill, thinks this plan makes the Town better but is concerned that this plan is going to be manipulative and wonders how it will affect property assessments.

Mary Ann Gavioli, Orangeburg, was hoping there would have been a presentation of the recent changes and requested more time to look at the plan.

**RESOLUTION NO. 149**

**CONTINUE PUBLIC HEARING / ACCEPT DRAFT COMPREHENSIVE PLAN  
CONSIDER ADOPTING THE ORANGETOWN COMPREHENSIVE PLAN**

**RESOLVED**, that the public hearing regarding the Orangetown Draft Comprehensive Plan is hereby continued to April 11, 2023 at 7:05 pm.

Councilperson Paul Valentine 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

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**RESOLUTION NO. 150**

**OPEN PUBLIC HEARING / ENERGY SYSTEM EXEMPTION OPT-OUT**

**RESOLVED**, that the Public Hearing regarding the Energy System Exemption Opt-Out is hereby opened.

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

Robert Magrino, Town Attorney, presented the Affidavits of Publication and Postings; which are labeled Exhibit 03-07-B and made a part of these minutes.

**Summary of Public Comments:**

Andrew Wiley, Sparkill, asked what is the exemption and what are the actual benefits to the Town.

**Summary of Public Comments - Continued**

Margaret Thomsen, Tappan, asked if this involves any federal money. All should consider the environmental impact of fossil fuels.

**RESOLUTION NO. 151****CLOSE PUBLIC HEARING / ENERGY SYSTEM EXEMPTION OPT-OUT**

**RESOLVED**, that the Public Hearing regarding the Energy System Exemption Opt-Out is hereby closed.

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. 152****ADOPT LOCAL LAW 3, 2023/ AMENDING CHAPTER 34 TOWN CODE / ADD ARTICLE IX / ENERGY SYSTEM EXEMPTION OPT OUT**

**WHEREAS**, the New York Real Property Tax Law Section 487 provides for the exemption from taxation of certain energy systems, but, pursuant to Section 487(8) authorizes local municipalities to not apply such exemption, upon adoption of a local law, under certain circumstances as set forth more fully therein, and

**WHEREAS**, on February 21, 2023 the Town Board adopted a resolution which scheduled a public hearing for local law to amend Chapter 34 of the Town Code regarding Taxation, and upon notice duly published and posted a public hearing that was held on March 7, 2023, and

**WHEREAS**, public discussion was heard at such hearing concerning the merits and environmental significance of said introductory local law; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby declares itself to be Lead Agency under the New York State Environmental Quality Review Act, and finds that the adoption of the Local Law to amend Chapter 34 of the Code of the Town of Orangetown entitled "Taxation", specifically related to a new Article IX "Energy System Exemption Opt-Out" as more fully set forth therein, is a SEQR Type II action and is hereby determined not to have a significant adverse effect on the environment

**BE IT FURTHER RESOLVED**, that the Town Board hereby adopts Local Law # 3 of 2023 amending Chapter 34, of the Town Code of the Town of Orangetown entitled "Taxation", by adding a new article, identified as Article IX and entitled "Energy System Exemption Opt-Out" providing for exceptions to certain tax exemptions authorized by Section 487 of the New York State Real Property Tax Law, as authorized by state law, and set forth more fully therein.

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

**A LOCAL LAW TO AMEND Chapter 34, Code of the Town of Orangetown entitled "TAXATION"**

**LOCAL LAW NO. 3 OF 2023 OF THE  
INCORPORATED TOWN OF ORANGETOWN, NEW YORK  
TOWN BOARD FOR AMENDING CHAPTER 34 OF THE TOWN CODE ENTITLED  
"TAXATION"**

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

**Section 1.** Chapter 34 of the Town Code of the Town of Orangetown is hereby amended by adding a new article, to be identified as Article IX, and entitled "Energy System Exemption Opt-Out" as follows:

**§34-39 Legislative Intent and purpose; opt-out.**

Pursuant to Subsection 8 of the said § 487 of the New York State Real Property Tax Law, the Town of Orangetown by this article provides that no exemption under § 487 of the Real Property Tax Law shall be applicable to real property in the Town, including and with respect to solar or wind energy systems constructed subsequent to the effective date of this article, nor for any microhydroelectric energy system, fuel cell electric generating system, microcombined heat and power generating equipment system, electric energy storage equipment or electric energy storage system, or fuel-flexible linear generator electric generating system constructed subsequent to the effective date of this article.

**§34-40 Authority.**

This article is enacted pursuant to § 487 of the New York State Real Property Tax Law, as most recently amended by Chapter 59 of the Session Laws of 2021.

**34-31 When effective; applicability.**

This article shall take effect immediately upon filing with the Secretary of State and shall be applicable to all assessment rolls prepared pursuant to the first taxable status date occurring on or after the effective date of this article.

**Section 2. Severability Clause**

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

**Section 3. Effective Date.**

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

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**RESOLUTION NO. 153  
APPROVE / AGREEMENT / EVCONNECT / PEARL RIVER TRAIN STATION  
CHARGING STATIONS / 5 YEARS**

**WHEREAS**, in 2018, the New York Power Authority ("NYPA") contracted on the Town of Orangetown's behalf with EVConnect to purchase a software subscription for the electric vehicle charging stations at the Pearl River Train Station for 4 years; and,

**WHEREAS**, the contract with NYPA and EVConnect will end on March 30, 2023 for the Pearl River Train Station charging stations; and,

**RESOLUTION NO. 153 - Continued**

**WHEREAS**, EVConnect has a contract with Sourcewell for electric vehicle charging station software and the Town may, pursuant to Chapter 1A of the Town Code and New York General Municipal Law §103(16), enter into a contract with EVConnect as part of the Sourcewell Contract #042221-EVC; and,

**NOW, THEREFORE BE IT RESOLVED**, upon the recommendation of the Supervisor's Office, the Town Board hereby approves to enter into a 5-year contract with EVConnect for the Operate software subscription, not to exceed \$3,500, to be paid from the following budget line item SP 3320.457; and,

**BE IT FURTHER RESOLVED**, that the Town Supervisor is hereby authorized to sign the agreement with EVConnect, subject to review and approval of the Town Attorney.

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. 154  
APPOINT MEMBERS / ORANGETOWN PARKS AND RECREATION  
DEVELOPMENT ADVISORY COMMITTEE / 2023 / 1-YEAR TERM**

**RESOLVED**, that the Town Board hereby appoints the following as Members of the Orangetown Parks and Recreation Development Advisory Committee, for a 1-year term, commencing on January 01, 2023 and expiring on December 31, 2023:

Michele Galle-Looram

James K. Willcox

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Paul Valentine 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. 155  
APPOINT / STEPHEN CIOFFI / BOARD OF ETHICS - 2023 / 5-YEAR TERM**

**RESOLVED**, that the Town Board hereby appoints Stephen Cioffi as Member of the Board of Ethics Committee for a 5-year term, commencing March 07, 2023, and expires on December 31, 2027.

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. 156  
ACCEPT RESIGNATION / EMPLOYEE 2709**

**BE IT RESOLVED**, that the Town hereby accepts the resignation of Employee No. 2709, effective March 7, 2023, and such employee shall be entitled to receive payment for 16 accrued vacation days, upon execution by the employee of a general release.



**RESOLUTION NO. 156 - Continued**

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

Motion: 4 - 0

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

Noes: None

Abstained: Councilperson Jerry Bottari

**RESOLUTION NO. 157**

**APPLY FOR FUNDING FROM FY24 COMMUNITY PROJECT FUNDING  
IMPROVED PEDESTRIAN INFRASTRUCTURE FOR THE MIDDLETOWN ROAD  
CORRIDOR PROJECT / SIDEWALKS**

**WHEREAS**, the Town of Orangetown, after due consideration, has determined that it is desirable and in the public interest to undertake the necessary activities for the submittal of a grant application under the FY24 Community Project Funding for the Improved Pedestrian Infrastructure for the Middletown Road Corridor project; and

**WHEREAS**, the Town is seeking up to \$550,000 in funding for a sidewalk project for the North Middletown Road corridor between Brightwood Avenue and Pearce Parkway in Pearl River; and,

**WHEREAS**, the North Middletown Road corridor is home to many shops and restaurants, multifamily housing, schools, a church, as well as the entrance to the downtown business district in Pearl River which includes four commuter bus lines, one local bus line and a rail line; and;

**WHEREAS**, FY24 Community Project Funding assistance will enable the Town to improve pedestrian facilities allowing students, the elderly, consumers and commuters to walk to their destinations instead of using vehicles, thus contributing to lower greenhouse gas emissions, and

**WHEREAS**, the Town of Orangetown is hereby committed to using municipal funds to provide a local cash match and in-kind support of the grant request; and

**NOW THEREFORE BE IT RESOLVED**, that the Town Board authorizes and directs the Town Supervisor to submit an application to the FY24 Community Project Funding program for the "Improved Pedestrian Infrastructure for the Middletown Road Corridor" and to execute all documents necessary for the implementation of this work relating to the financial and/or administrative processes of the grant program.

**BE IT FURTHER RESOLVED**, to the extent all or any actions hereby authorized have been executed and/or performed by the Supervisor all are hereby ratified and confirmed and this Resolution take effect immediately.

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. 158  
APPOINT BRENDAN CARTON / COMPUTER OPERATOR / INFORMATION  
TECHNOLOGY DEPARTMENT / PROVISIONAL / EFFECTIVE MARCH 8, 2023**

**RESOLVED**, that upon the recommendation of the Human Resources Coordinator, appoint Brendan Carton to the position of Computer Operator, Provisional, Grade 9, Step 2 no change in salary, effective March 8, 2023.

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. 159  
APPROVAL OF 2023 CERTIFICATE OF SEWER REGISTRATIONS**

**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 2023 Sewer Work is approved to:

1. Cioffi 1, Inc., 201 North Rte 9W, Congers, NY 10920
2. Dutra Excavating & Sewer, 10 Stone Hollow Road, Montvale, NJ 07645
3. Victor P. Zugibe, Inc., 66 W Railroad Avenue, Garnerville, N Y 10923

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. 160  
ACCEPT / RECEIVE / FILE DRAINAGE EASEMENT AND ACCESS EASEMENT  
AGREEMENT / TAPPAN FIRE DISTRICT SITE PLAN**

**RESOLVED**, that upon recommendation of the Department of Environmental Management and Engineering (DEME) and the Town Attorney's Office, the drainage easement and access easement agreement from the Volunteer Fire Association of Tappan, Inc., for the Tappan Fire District Site Plan, Planning Board Decision No. 22-55; and

**BE IT FURTHER RESOLVED**, that the Supervisor or her designee is hereby authorized to execute all documents necessary to enter into the access easement agreement and to effectuate the acceptance and filing of the drainage easement and access easement agreement with the Rockland County Clerk; and

**BE IT FURTHER RESOLVED**, that upon filing with the Rockland County Clerk's office, the original document be filed and maintained in the Town Clerk's office.

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. 161  
AUTHORIZE / CANDLE AGREEMENT / 2023**

**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 THIRTY THOUSAND AND 00/100 (\$30,000.00) DOLLARS pursuant to which CANDLE shall provide programs and services to promote the prevention of substance abuse and violence amongst the youth of the Town of Orangetown during and throughout calendar year 2023.

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. 162  
AWARD BID / HVAC SERVICE / LOMBARDO PLUMBING & HEATING**

**WHEREAS**, the Superintendent of Parks, Recreation & Building Maint, duly advertised for sealed bids for Heating & Air Conditioning Service, which were received and publicly opened on February 15, 2023; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 03-07-C, and made a part of these minutes. Now, Therefore, Be It

**RESOLVED**, that upon the recommendation of the Superintendent of Parks, Recreation & Building Maintenance, award the bid for Heating & Air Conditioning service to Lombardo Plumbing & Heating of Suffern, NY in the amount of \$17,000.00 annually, the lowest qualified bidder.

**BE IT FURTHER RESOLVED**, that the Supervisor or her designee is authorized to enter into an agreement with Lombardo Plumbing & Heating, in accordance with the bid award and terms of this resolution, subject to review and approval of the Town Attorney's Office.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Paul Valentine 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. 163  
APPROVE / INSTALLATION OF STREET LIGHT / HOBART STREET BETWEEN E. LEWIS AVENUE AND E. CARROLL STREET IN PEARL RIVER**

**RESOLVED**, that upon the recommendation of the Traffic Advisory Board, the installation of a street light on Hobart Street between E. Lewis Avenue and E. Carroll Street in Pearl River (Utility Pole# 58670/38925) is hereby approved to be paid from the following budget line item B.5182.452.17.

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. 164  
COMBINE / APPROVE AGENDA ITEMS #26 TO 27**

**RESOLVED**, the Town Board hereby combines and approves agenda items # 26 to 27.

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. 165  
APPROVE / LEND ASSISTANCE / ROCKLAND GAA/ MEMORIAL 5K RUN  
SATURDAY, MARCH 25, 2023**

**RESOLVED**, that the Superintendent of Highways and Chief of Police have forwarded for approval by the Town Board, use of cones and recycling kiosks from the Highway Department and Auxiliary Police Detail from OPD by the Rockland Gaelic Athletic Association for the Rockland GAA Memorial 5K Run on Saturday, March 25, 2023 from 8am-1pm.

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. 166  
APPROVE / LEND ASSISTANCE / ROCKLAND COUNTY ANCIENT ORDER OF  
HIBERNIANS ST. PATRICK'S DAY PARADE / SHOWMOBILE & PORTO-JONS /  
MARCH 19, 2023**

**RESOLVED**, that upon the completion of the necessary paperwork, the Superintendent of Parks, Recreation & Building Maintenance has forwarded for approval to the Town Board, use of the showmobile at a cost of \$500.00 and providing twenty-two porto-jons for the Rockland County, Ancient Order of Hibernians St. Patrick's Day Parade on March 19, 2023 with the organization providing a certificate of insurance naming the Town of Orangetown as additionally insured.

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. 167  
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 **\$1,518,099.70**.

**RESOLUTION NO. 167 - Continued**

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. 168  
ENTER EXECUTIVE SESSION**

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

**RESOLVED**, at 8:41 pm, the Town Board entered Executive Session to discuss matters relating to employment.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Paul Valentine 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. 169  
RE-ENTER RTBM / ADJOURNED / MEMORY**

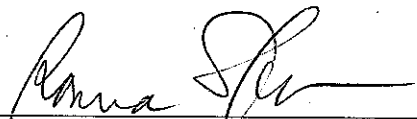
**RESOLVED**, at 9:50 pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of: **Thomas F. Muthig**, *Resident of Pearl River*.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Paul Valentine 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: March 7, 2023

WARRANT

Warrant Reference	Warrant #	Amount
Approved for payment in the amount of		
	021023A	\$ 235,547.18
	02-23-23	\$ 293,645.00
	03-07-23 A	\$ 988,751.52
	03-07-23 B	\$ 156.00
		\$ 1,518,099.70

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

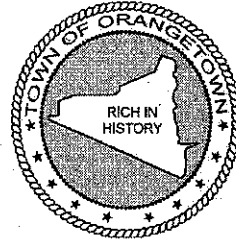
Supervisor Teresa M. Kenny

---

**TOWN OF ORANGETOWN  
FINANCE OFFICE MEMORANDUM**

---

**TO:** THE TOWN BOARD  
**FROM:** JEFF BENCIK, *DIRECTOR OF FINANCE*  
**SUBJECT:** AUDIT MEMO  
**DATE:** 3/2/2023  
**CC:** DEPARTMENT HEADS



---

The audit for the Town Board Meeting of 3/7/2023 consists of 4 warrants for a total of \$1,518,099.70.

The first warrant had 69 vouchers for \$235,547 and was for utilities.

The second warrant had 1 voucher for \$293,645 and was for HVAC at new town hall (S&L Plumbing and Heating).

The third warrant had 135 vouchers for \$988,751 and had the following items of interest.

1. A+ Technology & Service (p3) - \$32,461 for cameras, security at Franklin Park.
2. Applied Golf (p4) - \$136,453 for Blue Hill GC management contract.
3. Applied Golf (p5) - \$54,343 for Broadacres GC management contract.
4. Brooker Engineering (p7) - \$6,118 for MS4 mapping (Highway).
5. Capasso & Sons (p9) - \$84,847 for recycling.
6. CSEA Employee Benefit Fund (p13) - \$34,518 for CSEA dental benefits.
7. Environmental Construction (p11) - \$6,785 for Clinton Ave. emergency repair.
8. Global Montello (p15) - \$39,690 for fuel.
9. Joe Lombardo Plumbing & Heating (p22) - \$168,438 for new town hall plumbing.
10. Keane & Beane (p23) - \$5,119 for outside legal counsel.
11. Koester Associates (p24) - \$89,765 for sewer IDA replacement for flow.
12. MetLife (p26) - \$14,008 for Police dental benefits.
13. Miracle Recreation Equipment (p27) - \$6,953 for Cherry Brook equipment.
14. Nelson Pope (p27) - \$8,848 for splash pad.
15. Office of Mental Health (p28) - \$64,049 for utility charges.



16. Precision Electric Motor Works (p30) - \$64,185 for pump station cleaning and repair.

17. State Comptroller (p41) - \$32,098 for Justice fines.

18. Stryker Medical (p42) - \$64,269 for defibrillators (8 yr. contract).

The fourth warrant had 2 vouchers for \$156 and was for medical reimbursements.

Please feel free to contact me with any questions or comments.

Jeffrey W. Bencik, CFA

845-359-5100 x2204

**EXHIBIT**

03-07-A 3/7/23

STATE OF NEW YORK }  
COUNTY OF ROCKLAND }  
TOWN OF ORANGETOWN }

SS.

Rosanna Sfraga being duly sworn upon her oath deposes and says;

That, she is, at all times, hereinafter mentioned was, duly elected, Qualified and acting Town Clerk of the **TOWN Of ORANGETOWN**, in the County of Rockland, State of New York.

That, on the 15<sup>th</sup> day, February, 2023, she caused to be conspicuously posted and fastened up a notice, a true copy of which is annexed hereto and made a part of hereof, in the following places, at least one of which is a public place within the **TOWN Of ORANGETOWN**, New York.

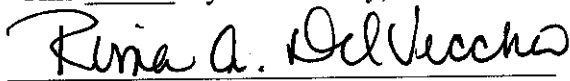
1. Town Hall Bulletin Boards
2. Town's Website (www.orangetown.com)
- 3.
- 4.
- 5.



Rosanna Sfraga, Town Clerk

Subscribed and sworn to before me

This 15th day of February, 2023



RIMA A. DELVECCHIO  
Notary Public, State of New York  
No. 01DE6222835  
Qualified in Rockland County  
My Commission Expires June 1, 2026

**TOWN OF ORANGETOWN  
NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that pursuant to a resolution of the Town Board of the Town of Orangetown, duly adopted at a meeting held on January 24, 2023, a public hearing will be held by the Town Board on a petition by the owners of the properties adjacent to Second Street, Pearl River, NY for consideration to *de-map and / close Second Street, Pearl River, NY*. This public hearing is scheduled for the 7th day of March, 2023 at 7:05 pm, Orangetown Town Hall, 26 W Orangeburg Rd, Orangeburg, NY.

At the time and place of the public hearing specified above, all interested persons will be given the opportunity to be heard.

By order of the Town Board of the Town of Orangetown.

Dated: January 24, 2023

Rosanna Sfraga, Town Clerk  
Robert Magrino, Town Attorney



**AFFIDAVIT OF PUBLICATION  
FROM**

**State of Wisconsin  
County of Brown, ss.:**

On the 21 day of February in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Tuttle, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

Linda Tuttle being duly sworn says that he/she is the principal clerk of THE JOURNAL NEWS, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, on the editions dated :

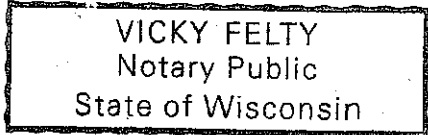
**Zone:  
Rockland**

**Run Dates:  
02/21/2023**

Linda Tuttle  
Signature

Sworn to before me, this 21 day of February, 2023

Vicky Felty  
Notary Public, State of Wisconsin, County of Brown  
919.25



My commission expires

Legend:

**WESTCHESTER:**

Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincoln Dale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

**ROCKLAND:**

Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0005598796

**TOWN OF ORANGETOWN  
NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that pursuant to a resolution of the Town Board of the Town of Orangetown, duly adopted at a meeting held on January 24, 2023, a public hearing will be held by the Town Board on a petition by the owners of the properties adjacent to Second Street, Pearl River, NY for consideration to de-map and / close Second Street, Pearl River, NY. This public hearing is scheduled for the 7th day of March, 2023 at 7:05 pm, Orangetown Town Hall, 26 W Orangeburg Rd, Orangeburg, NY.

At the time and place of the public hearing specified above, all interested persons will be given the opportunity to be heard.

By order of the Town Board of the Town of Orangetown.

Dated: January 24, 2023

Rocanna Sfraga, Town Clerk  
Robert Magrino, Town Attorney  
0005598796

**Orangetown Comp Plan: 3-7-23  
Thom Kleiner, Sparkill**

I would like to discuss two issues: housing and the Comprehensive Plan.

With regard to housing: I recently attended a meeting sponsored by the Westchester County Association of all Westchester state senators and assembly members - all Ds - all of whom were opposed to varying degrees with Gov. Hochul's housing proposal, especially the requirement that local municipalities rezone within ½ mile of any municipal train station. Amy Paulin, for example, one of the more liberal state reps, said that that proposal was 'dead on arrival.' And for us, forced rezoning within ½ mile of the PR train station is surely dead on arrival, as members of this board have properly said.

But that's not the end of the story.

We don't know how this is going to end and what pressure might be applied to the town by outside forces seeking to force you to do what you do not wish to do. This is where the revised Comprehensive Plan - before you tonight for your consideration - comes into play. A strong, well devised comp plan is the greatest protection you have against any threats to local control, local zoning and outside interference.

So, first, this is a strong plan. As Supervisor, I worked on the 2003 revision - adopted 20 years ago this May - and we came up with a good plan that has helped allow development in Orangetown to proceed cautiously and deliberately.

But this plan is better. It's more comprehensive, it has had more public participation and it uses technological tools not available to us

20 years ago. Supervisor Kenny and others who worked hard on it deserve the public's thanks for producing it.

The plan provides many suggestions to allow you, as Board members, to address a wide variety of issues facing the town now and into the future.

Which brings us back to housing: The plan describes what everyone knows to be true: young people, among others, need additional housing options so they can afford to stay in our town. The plan suggests various strategies and tools that you, the town board, *may* consider and use, as *you* see fit, to address that need. But without a plan, many of those tools may no longer be available for you to use, and then to justify and defend, your zoning decisions, and the Town's response to any challenge brought to undermine or overturn those decisions would be compromised.

So here's the bottom line: If, as some suggest, any reference to housing be taken out of the plan, or if related recommended zoning tools are eliminated from the plan or significantly weakened, that is one sure way for the State to prevail in a lawsuit, or any outside party to prevail, when challenging your right to use Home Rule to determine the town's zoning destiny.

**So adopt this plan.** Use it as a guide for your zoning and planning decisions and reference it directly when you make those decisions.

A strong Comp Plan is your friend, and is the best protection you have to allow you to maintain Home Rule and minimize the chances that zoning decisions will be imposed upon you by any outside government or any 3rd party seeking to undermine your rightful and long-standing autonomy over local land use decisions. Thank you.

EXHIBIT

03-07-C 3/7/23

STATE OF NEW YORK }  
COUNTY OF ROCKLAND }  
TOWN OF ORANGETOWN }

SS.

Rosanna Sfraga being duly sworn upon her oath deposes and says;

That, she is, at all times, hereinafter mentioned was, duly elected,  
Qualified and acting Town Clerk of the **TOWN Of ORANGETOWN**, in the County of  
Rockland, State of New York.

That, on the 24<sup>th</sup> day, February, 2023, she caused to be conspicuously posted and  
fastened up a notice, a true copy of which is annexed hereto and made a part of hereof, in  
the following places, at least one of which is a public place within the **TOWN Of  
ORANGETOWN**, New York.

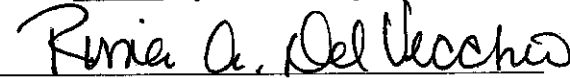
1. Town Hall Bulletin Boards
2. Town's Website (www.orangetown.com)
- 3.
- 4.
- 5.



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

Subscribed and sworn to before me

This 24th day of February, 2023



\_\_\_\_\_  
Rima A. DelVecchio

RIMA A. DELVECCHIO  
Notary Public, State of New York  
No. 01DE822836  
Qualified in Rockland County  
My Commission Expires June 1, 2026



**TOWN OF ORANGETOWN  
NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that pursuant to a resolution of the Town Board of the Town of Orangetown, duly adopted at a meeting held February 21, 2023, a public hearing will be held by the Town Board on a proposed Local Law, pursuant to New York Real Property Tax Law Section 487, amending Chapter 34 of the Town Code entitled Taxation, specifically by adding Article IX to be entitled "Energy System Exemption Opt-Out. This public hearing is scheduled for the 7th day of March, 2023 at 7:15 pm, Orangetown Town Hall, 26 W Orangeburg Rd, Orangeburg, NY.

At the time and place of the public hearing specified above, all interested persons will be given the opportunity to be heard.

By order of the Town Board of the Town of Orangetown.

Dated: February 22, 2023

Rosanna Sfraga, Town Clerk  
Robert Magrino, Town Attorney

**A LOCAL LAW TO AMEND Chapter 34, Code of the Town of Orangetown entitled  
“TAXATION”**

LOCAL LAW NO. \_\_\_\_ OF 2023 OF THE  
INCORPORATED TOWN OF ORANGETOWN, NEW YORK  
TOWN BOARD FOR AMENDING CHAPTER 34 OF THE TOWN CODE ENTITLED  
“TAXATION”

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

**Section 1.** Chapter 34 of the Town Code of the Town of Orangetown is hereby amended by adding a new article, to be identified as Article IX, and entitled “Energy System Exemption Opt-Out” as follows:

**§ 34-39 Legislative Intent and purpose; opt-out.**

Pursuant to Subsection 8 of the said § 487 of the New York State Real Property Tax Law, the Town of Orangetown by this article provides that no exemption under § 487 of the Real Property Tax Law shall be applicable to real property in the Town, including and with respect to solar or wind energy systems constructed subsequent to the effective date of this article, nor for any microhydroelectric energy system, fuel cell electric generating system, microcombined heat and power generating equipment system, electric energy storage equipment or electric energy storage system, or fuel-flexible linear generator electric generating system constructed subsequent to the effective date of this article.

**§34-40 Authority.**

This article is enacted pursuant to § 487 of the New York State Real Property Tax Law, as most recently amended by Chapter 59 of the Session Laws of 2021.

**§ 34-31 When effective; applicability.**

This article shall take effect immediately upon filing with the Secretary of State and shall be applicable to all assessment rolls prepared pursuant to the first taxable status date occurring on or after the effective date of this article.

**Section 2. Severability Clause**

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

**Section 3. Effective Date.**

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



**AFFIDAVIT OF PUBLICATION  
FROM**

**State of Wisconsin  
County of Brown, ss.:**

On the 27 day of February, in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Tuttt, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

Linda Tuttt being duly sworn says that he/she is the principal clerk of **THE JOURNAL NEWS**, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, on the editions dated :

**Zone:  
Rockland**

**Run Dates:  
02/27/2023**

Linda Tuttt  
Signature

Sworn to before me, this 27 day of February, 2023

Vicky Felty  
Notary Public, State of Wisconsin, County of Brown  
919.25

VICKY FELTY  
Notary Public  
State of Wisconsin

My commission expires  
Legend:

**WESTCHESTER:**  
Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briardiff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolnale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

**ROCKLAND:**  
Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0005607131

**TOWN OF ORANGETOWN  
NOTICE OF PUBLIC HEARING.**

**NOTICE IS HEREBY GIVEN** that pursuant to a resolution of the Town Board of the Town of Orangetown, duly adopted at a meeting held February 21, 2023, a public hearing will be held by the Town Board on a proposed Local Law, pursuant to New York Real Property Tax Law Section 487, amending Chapter 34 of the Town Code entitled Taxation, specifically by adding Article IX to be entitled "Energy System Exemption Opt-Out. This public hearing is scheduled for the 7th day of March, 2023 at 7:15 pm, Orangetown Town Hall, 26 W Orangeburg Rd, Orangeburg, NY.

At the time and place of the public hearing specified above, all interested persons will be given the opportunity to be heard.

By order of the Town Board of the Town of Orangetown.

Dated: February 22, 2023

Rosanna Sfraga, Town Clerk  
Robert Magrino, Town Attorney

**EXHIBIT**

03-07-D; 3/7/23

STATE OF NEW YORK }  
COUNTY OF ROCKLAND }  
TOWN OF ORANGETOWN }

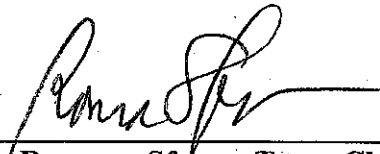
SS.

Rosanna Sfraga being duly sworn upon her oath deposes and says;

That, she is, at all times, hereinafter mentioned was, duly elected, Qualified and acting Town Clerk of the *TOWN Of ORANGETOWN*, in the County of Rockland, State of New York.

That, on the 20<sup>th</sup> day, January, 2023, she caused to be conspicuously posted and fastened up a notice, a true copy of which is annexed hereto and made a part of hereof, in the following places, at least one of which is a public place within the *TOWN Of ORANGETOWN*, New York.

1. Town Hall Bulletin Boards
- 2.
- 3.
- 4.
- 5.



Rosanna Sfraga, Town Clerk

Subscribed and sworn to before me

This 20<sup>th</sup> day of January, 2023



**RIMA A. DELVECCHIO**  
Notary Public, State of New York  
No. 01DE622835  
Qualified in Rockland County  
My Commission Expires June 1, 2026

**NOTICE TO BIDDERS**

**NOTICE IS HEREBY GIVEN** that sealed proposals will be received by the Town of Orangetown, at the office of the Town Clerk, Town Hall, 26 Orangeburg Road, Orangeburg, New York 10962, until 10:30AM on Wednesday, February 15, 2023, and then be publicly opened and read aloud at 11:00AM.

Copies of the Specifications, Bid Blanks and all necessary information may be obtained at the Office of the Town Clerk, between the hours of 9:00AM and 5:00PM, Monday through Friday. Bids must be submitted on official forms and in sealed envelopes at the above address and shall bear on the face thereof the name and address of the bidder, and the words **"2023 Bid for Heating and Air Conditioning Service, Orangeburg, New York"**.

All proposals must be accompanied by a Statement of Non-Collusion in conformity with the requirements of Section 103-d of the General Municipal Law, as amended, and security in a sum equal to the five percent (5%) of the amount proposed.

Simultaneously with its delivery of the executed Agreement, the Contractor shall furnish to the Owner two (2) executed bonds in an amount at least equal to one hundred percent (100%) of the Contract Price, as security for faithful performance (Performance Bond) of this Contract and the for payment of all persons performing labor on the project under this Contract and for the payment of all persons performing labor and furnishing materials (Payment Bond) in connection with this Contract, in such form as acceptable to the Town Attorney and by a surety company authorized to transact business in the State of New York.

The Contractor shall furnish to the Owner a Maintenance Bond in the amount of one percent (1%) of the amount of the Contract, prior to final payment and executed by the Contractor as principle and having surety thereon a surety company acceptable to the Owner guaranteeing that the Contractor will either repair any work found to be defective or if it has been rejected by the Owner, remove it from the site and replace it at no additional cost to the Owner. The bond shall remain in effect for a period of one (1) year from the date of substantial completion.

The wages and supplements to be paid to laborer, workman or mechanic performing work under this Contract shall be not less than the prevailing rate of wages and supplements as defined and determined by the New York State Labor Law or the Davis-Bacon Act (40 USC276a to a-7) as supplemented by Department of Labor regulations (29 CFR Part 5), as applicable, a copy of which, as applicable, is attached hereto or to the associated Documents.

For interested bidders, you can arrange a pre-bid review of equipment by contacting the Office of Parks and Recreation, Veterans Memorial Park, 81 Hunt Road, Orangeburg, New York.

Proposals are requested from any and all parties including but not limited to minority businesses and enterprises operated and conducted by women.

The Town reserves the right to reject any and/or all proposals.

Dated: January 24, 2023

**ARIC T. GORTON**

Director

Office of Parks and Recreation

81 Hunt Rd.

Orangeburg, NY 10962

(845) 359-6503

agorton@orangetown.com

**ROSANNA SFRAGA**

Town Clerk



AFFIDAVIT OF PUBLICATION FROM

State of Wisconsin County of Brown, ss.:

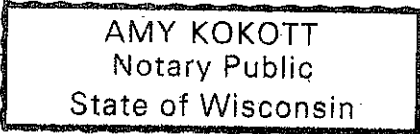
On the 24 day of January in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Tuttle, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

Linda Tuttle being duly sworn says that he/she is the principal clerk of THE JOURNAL NEWS, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, on the editions dated :

Zone: Rockland Run Dates: 01/24/2023

Linda Tuttle Signature

Sworn to before me this 24 day of January, 2023 Amy Kokott Notary Public, State of Wisconsin, County of Brown



6/30/2025 My commission expires

Legend: WESTCHESTER: Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolnville, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thomwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers ROCKLAND: Blauevelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Slootsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0005566620



## NOTICE TO BIDDERS

NB-1

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town of Orangetown, at the office of the Town Clerk, Town Hall, 26 Orangeburg Road, Orangeburg, New York 10962, until 10:30AM on Wednesday, February 15, 2023, and then be publicly opened and read aloud at 11:00AM.

Copies of the Specifications, Bid Blanks and all necessary information may be obtained at the Office of the Town Clerk, between the hours of 9:00AM and 5:00PM, Monday through Friday. Bids must be submitted on official forms and in sealed envelopes at the above address and shall bear on the face thereof the name and address of the bidder, and the words **"2023 Bid for Heating and Air Conditioning Service, Orangeburg, New York"**.

All proposals must be accompanied by a Statement of Non-Collusion in conformity with the requirements of Section 103-d of the General Municipal Law, as amended, and security in a sum equal to the five percent (5%) of the amount proposed.

Simultaneously with its delivery of the executed Agreement, the Contractor shall furnish to the Owner two (2) executed bonds in an amount at least equal to one hundred percent (100%) of the Contract Price, as security for faithful performance (Performance Bond) of this Contract and for the payment of all persons performing labor on the project under this Contract and for the payment of all persons performing labor and furnishing materials (Payment Bond) in connection with this Contract, in such form as acceptable to the Town Attorney and by a surety company authorized to transact business in the State of New York.

The Contractor shall furnish to the Owner a Maintenance Bond in the amount of one percent (1%) of the amount of the Contract, prior to final payment and executed by the Contractor as principle and having surety thereon a surety company acceptable to the Owner guaranteeing that the Contractor will either repair any work found to be defective or if it has been rejected by the Owner, remove it from the site and replace it at no additional cost to the Owner. The bond shall remain in effect for a period of one (1) year from the date of substantial completion.

NB-2

The wages and supplements to be paid to laborer, workman or mechanic performing work under this Contract shall be not less than the prevailing rate of wages and supplements as defined and determined by the New York State Labor Law or the Davis-Bacon Act (40 USC 276a to a-7) as supplemented by Department of Labor regulations (29 CFR Part 5), as applicable, a copy of which, as applicable, is attached hereto or to the associated Documents.

For interested bidders, you can arrange a pre-bid review of equipment by contacting the Office of Parks and Recreation, Veterans Memorial Park, 81 Hunt Road, Orangeburg, New York.

Proposals are requested from any and all parties including but not limited to minority businesses and enterprises operated and conducted by women.

The Town reserves the right to reject any and/or all proposals.

Dated: January 24, 2023

**ARIC T. GORTON**  
Director  
Office of Parks and Recreation  
81 Hunt Rd.  
Orangeburg, NY 10962  
(845) 359-6503  
agorton@orangetown.com

**ROSANNA SFRAGA**  
Town Clerk

0005566620

