



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday June 11, 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:

- ◆ On Saturday, June 15, 2024, the Pearl River Farmers Market will be held in the South William Street Municipal Parking Lot on South William Street in Pearl River due to the Carnival.

DISCUSSION:

- ◆ Discussion of Amendment to Memorandum of Understanding (MOU) with Reveil and Review of the Revised Concept Plan
- ◆ 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 / CABLEVISION OF ROCKLAND/RAMAPO LLC / FRANCHISE AGREEMENT

RESOLVED, that the public hearing to hear comments concerning the renewal of Cablevision of Rockland/Ramapo LLC's franchise agreement with the Town of Orangetown is hereby opened.

4. CLOSE PUBLIC PORTION CABLEVISION OF ROCKLAND/RAMAPO LLC / FRANCHISE AGREEMENT

RESOLVED, that the public comment portion of this public hearing is hereby closed.

5. SEQRA / LEAD AGENCY / TYPE II ACTION / NEGATIVE SEQRA DECLARATION / RENEWAL OF CABLEVISION FRANCHISE

RESOLVED, that the Town Board hereby declares itself to be Lead Agency for environmental review with respect to the matter of extending the Cablevision Franchise agreement; and further determines that such action is a Type II action pursuant to SEQRA, that the action will not have a significant adverse environmental impact, and, therefore, no further action is necessary with respect thereto under the State Environmental Quality Review Act.

6. APPROVE FRANCHISE AGREEMENT / CABLEVISION OF ROCKLAND/RAMAPO LLC / 15 YEAR RENEWAL

WHEREAS, the Town of Orangetown (the "Town") is a "franchising authority" in accordance with Title VI of the Communications Act of 1934, (the "Communications Act"), and is authorized to grant one or more nonexclusive cable television franchises pursuant to Article 11 of the New York Public Service Law, as amended, and Title 16, Chapter VIII, Parts 890.60 through 899, of the Official Compilation of Codes, Rules and Regulations of the State of New York, as amended (collectively the "Cable Laws"); and

WHEREAS, the Town, executed a franchise agreement with Cablevision of Rockland/Ramapo, LLC (the "Franchisee") on November 24, 2008, which was thereafter confirmed and made effective by the New York State Public Service Commission ("Commission") on November 5, 2009 for a term of fifteen (15) years (Case No. 09-V-0369), and

WHEREAS, said franchise agreement expires on November 5, 2024; and

WHEREAS, Franchisee has submitted a proposed franchise renewal agreement (the "Franchise Renewal Agreement") to continue operating its system within the Town for an additional 15 year period; and

WHEREAS, The Town and Franchisee have mutually agreed to the terms of said Franchise Renewal Agreement; and

WHEREAS, the Town has determined that the Franchisee is and has been in substantial compliance with all terms/provisions of its existing franchises and applicable law; and

WHEREAS, the Town has determined that Franchisee has the requisite legal, technical and financial capabilities to operate a Cable Systems within the Town and that Franchisee's proposals for renewal of the franchises meet the cable related needs of the Community; and

WHEREAS, a duly noticed Public Hearing, affording an opportunity for all those interested parties within the Town to be heard on the proposed Franchise Renewal Agreement was held before the Town Board on June 11, 2024.

NOW, THEREFORE BE IT RESOLVED, that the Town Board determines that it is in the best interest of the public to award the Franchise Renewal Agreement to the Franchisee; and

BE IT FURTHER RESOLVED that the Town Board hereby authorizes the Town Supervisor to enter into the Franchise Renewal Agreement with Cablevision of Rockland/Ramapo, LLC, and to execute any other documents necessary to effectuate the granting of the franchise renewal on behalf of the Town of Orangetown.

7. **SET PUBLIC HEARING / RENEWAL OF FRANCHISE AGREEMENT / VERIZON NEW YORK INC. / JULY 23 2024**

RESOLVED, that the Town Board will hold a public hearing on July 23, 2024 at 7:05 pm in the Town Hall of the Town of Orangetown, New York, for all interested persons to be heard in favor of or in opposition to the proposed renewal of the Verizon New York, Inc. franchise agreement for a period of fifteen years.

8. **APPROVE / 2024 HIGH SCHOOL PROJECT GRADUATION FUNDING**

RESOLVED, that upon the recommendation of the Director of Finance, **PROJECT GRADUATION** funding for 2024 is hereby approved as follows and charged to Account No. A.4211.457;

Pearl River High School - \$1,500.00
Tappan Zee High School - \$1,500.00
Nanuet High School - \$750.00
Nyack High School - \$750.00

TOWN ATTORNEY

9. 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:

- MCM Paving & Excavation, Inc. 8 E. Railroad Ave., West Haverstraw, NY 10993

10. AUTHORIZE TOWN ATTORNEY TO FILE INJUNCTIVE CIVIL ACTIONS / NYS SUPREME COURT, ROCKLAND COUNTY, / (1) JOHN HOWARD CHO, 28 ROUTE 303 REALTY CORP., AND ROUTE 303 AUTO REPAIR INC., RE. 28 ROUTE 303, TAPPAN; / (2) JOHN HOWARD CHO, AND 30 BIRCH TREE INC., RE. 30 BIRCH TREE ROAD, TAPPAN

RESOLVED that the Town Attorney is authorized, and directed, to commence the below - listed two separate civil actions/lawsuits, in NYS Supreme Court, Rockland County, and to execute all necessary legal papers related to same, pursuant to NYS Town Law §135(1) and/or §268(2), and CPLR §6001, against the below- mentioned respective defendants, regarding the below -described respective real property, both of which civil actions/lawsuits shall seek an Order from the Supreme Court (i) directing the defendants to comply with, and to enjoin Defendants from violating, the Orangetown Code, (ii) preventing the defendants from erecting, constructing, reconstructing, altering, converting, maintaining and using buildings, structures or land in violation of the Orangetown Code, (iii) restraining the defendants from violating the Orangetown Code, and compelling the defendants to correct or abate such violations; and (iv) preventing the defendants from occupying buildings, structures or land in violation of the Orangetown Code:

ACTION 1: Defendants - John Howard Cho, 28 Route 303 Realty Corp., and Route 303 Auto Repair Inc.; relating to real property with address of 28 Route 303, Tappan, NY.

ACTION 2: Defendants - John Howard Cho, and 30 Birch Tree Inc.; relating to real property with address of 30 Birch Tree Road, Tappan, NY; and

BE IT FURTHER RESOLVED; that the Town Supervisor and/or Town Attorney are authorized to execute any and all documents necessary to effectuate the purposes of this resolution.

HIGHWAY

11. COMBINE / APPROVE AGENDA ITEMS #12 TO 14

RESOLVED, the Town Board hereby combines and approves agenda items #12 to 14.

12. APPROVE/ ADOPT-A-SPOT / MCMAHON FAMILY / 2 SICKLETOWN ROAD PEARL RIVER

RESOLVED, that the Town of Orangetown, a municipal corporation, organized under the Town Law of the State of New York, which Town has a place of business at 26 Orangeburg Road, Orangeburg, NY, expressly authorizes and approves the Adopt-A-Spot Committee, a volunteer organization with Martin McMahon Jr., Una McMahon, Ashling McMahon, Orla McMahon, and Martin McMahon III as part of the Adopt-A-Spot Committee to contribute toward the development and maintenance of a more attractive and litter-free Town Highway R.O.W. segment as described in the Highway Work Permit as Town Property located at 2 Sickletown Road, Pearl River, NY, otherwise known as the "SPOT," by performing necessary and/or desired clean-up activities, as particularly set forth in and pursuant to the terms and conditions of the Town of Orangetown Highway Department Adopt-A-Spot Agreement between the Town of Orangetown Highway Department and "McMahon Family" Adopt-A-Spot Committee, dated: June 11, 2024.

13. APPROVE / ADOPT-A-SPOT/BLUE SKY LANDSCAPE / TRAFFIC ISLAND DUTCHESS DR/ORANGEBURG ROAD

RESOLVED, that the Town of Orangetown, a municipal corporation, organized under the Town Law of the State of New York, which Town has a place of business at 26 Orangeburg Road, Orangeburg, New York, 10962, expressly authorizes and approves the Adopt-A-Spot committee, a Commercial Sponsor with Paul Kilgallen, President, Blue Sky Landscape, as part of the Adopt-A-Spot Committee to contribute toward the development and maintenance of a more attractive and litter-free Town Highway R.O.W., segment as described in the Highway Work Permit as Town Property located at the landscaped traffic island at the intersection of Dutchess Drive and Orangeburg Road in Orangeburg, NY, otherwise known as the "SPOT," by performing necessary and/or desired clean-up activities, as particularly set forth in and pursuant to the terms and conditions of the Town of Orangetown Highway Department Commercial Adopt-A-Spot Agreement between the Town of Orangetown Highway Department and "Dutchess Drive Triangle" Commercial Adopt-A-spot committee, dated May 1, 2024.

14. APPROVE / ADOPT-A-SPOT COMMITTEE / SOUTH MIDDLETOWN RD / LINDA LANE

RESOLVED, that the Town of Orangetown, a municipal corporation, organized under the Town Law of the State of New York, which Town has a place of business at 26 Orangeburg Road, Orangeburg, NY, expressly authorizes and approves the Adopt-A-Spot Committee, a volunteer organization with Ouseph George as part of the Adopt-A-Spot Committee to contribute toward the development and maintenance of a more attractive and litter-free Town Highway R.O.W. segment as described in the Highway Work Permit as Town Property located at 12 Linda Lane, Pearl River, NY, otherwise known as the "SPOT," by performing necessary and/or desired clean-up activities, as particularly set forth in and pursuant to the terms and conditions of the Town of Orangetown Highway Department Adopt-A-Spot Agreement between the Town of Orangetown Highway Department and "Linda Lane Gardens" Adopt-A-Spot Committee, dated June 11, 2024.

PARKS AND RECREATION

15. ACCEPT DONATION / MEMORIAL BENCH / DEAN

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation & Building Maintenance accept with gratitude the donation of a memorial bench to be placed at the Homes for Heroes Bio Retention Pond. Engraving to read:

Rest and Enjoy God's Blessings
Dottie and Jimmy Dean

16. ACCEPT DONATION / MEMOIRAL BENCH / FAVRE

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation & Building Maintenance accept with gratitude the donation of a memorial bench to be placed along the Blauvelt section of the Joseph B. Clark Rail Trail. Engraving to read:

In Loving Memory of Albert and Catherine Piscitelli
Their Dreams Came True in Blauvelt

POLICE

17. MEMORANDUM OF UNDERSTANDING WITH THE COUNTY OF ROCKLAND, RELATING TO THE REGIONAL INVESTIGATIVE RESOURCE CENTER

WHEREAS, the County of Rockland, through the Office of the Rockland County District Attorney, is desirous of entering into agreements with local municipal police departments to form a regional investigative resource center to create a “shared services” environment to effectively and efficiently utilize all resources to secure justice and public safety in the 21st Century; and

WHEREAS, the Town Board, in consultation Chief of Police, has determined that it is in the best interests of the Town Orangetown to continue to participate with the County of Rockland and other local police departments in this important venture; and

WHEREAS, General Municipal Law Article 5-G expressly authorizes municipal governments to perform together that which each such government individually is authorized to perform by means of an inter-municipal agreement,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves a certain Memorandum of Understanding (“MOU”) by and between the County of Rockland and the Town of Orangetown, which MOU was previously approved by Resolution 258 of 2024 of the Rockland County Legislature, pursuant to which the Town agrees to participate in the Regional Investigative Resource Center (RIRC) in accordance with the terms of the said MOU, for the period January 1, 2024 thru December 31, 2024; and

IT IS FURTHER RESOLVED, that the Supervisor is hereby authorized to sign such MOU and to take further steps as may be necessary to effectuate its terms.

18. GRANT PERMISSION / POLICE DEPARTMENT MICHAEL WARREN / LESS LETHAL INSTRUCTOR COURSE / JOHNSON CITY, NY / JUNE 18-19, 2024

RESOLVED, that permission is hereby granted to Michael Warren to attend the Less Lethal Instructor Course as a member of the Rockland Entry and Counterterrorism Team (REACT) in Johnson City, NY from June 18-19, 2024 at no cost to the town.

LEND ASSISTANCE

19. COMBINE / APPROVE AGENDA ITEMS #20 TO 24

RESOLVED, the Town Board hereby combines and approves agenda items #20 to 24.

20. APPROVE/ LEND ASSISTANCE/ 2024 PEARL RIVER CARNIVAL / JUNE 13-16, 2024

RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby authorizes the Town of Orangetown Highway Department to lend assistance which includes the use of barricades, barrels, trash receptacles, field clean up, large dumpster & message board, for the Pearl River Carnival to be held from June 13-16, 2024 at the Central Avenue Field.

21. APPROVE / LEND ASSISTANCE / SHOWMOBILE / GALDI MEMORIAL FUNDRAISER / JUNE 15, 2024

RESOLVED, that upon the completion of the necessary paperwork the Superintendent of Parks, Recreation & Building Maintenance has submitted to the Town Board for approval the use of the Showmobile for the Carolyn Galdi 1st Annual Memorial Scholarship Fundraiser to be held on June 15, 2024 at German Masonic Park at a cost of \$500.00 and the submission of a certificate of insurance naming the Town of Orangetown as an additional insured.

22. APPROVE / LEND ASSISTANCE / 2024 PEARL RIVER FIREWORKS / CENTRAL AVENUE FIELD / JULY 4, 2024

RESOLVED, upon the recommendation from the Superintendents of Highway & Parks and Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of trash receptacles, field clean up, dumpster, snow fence, barricades, message board and a secure event perimeter from the Highway Dept., (6) port o sans, with (2) being handicapped accessible from the Parks Dept., and police detail from the Police Dept., for the Pearl River Fireworks to be held on Thursday, July 4, 2024 (rain date: 7.5.2024) from 6 pm – 11 pm.

23. APPROVE / LEND ASSISTANCE / SHOWMOBILE / BASTILLE DAY / JULY 13, 2024

RESOLVED, that upon the completion of the necessary paperwork the Superintendent of Parks, Recreation & Building Maintenance has submitted to the Town Board for approval the use of the Showmobile for the Piermont Chamber of Commerce Bastille Day to be held

on July 13, 2024 at a cost of \$500.00 and the submission of a certificate of insurance naming the Town of Orangetown as an additional insured.

24. APPROVE/ LEND ASSISTANCE /RAIL TRAIL 5K/ SATURDAY, SEPTEMBER 14, 2024

RESOLVED, upon the recommendation of the Superintendent of Highways, Superintendent of Parks and Recreation and Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of barricades and trash cans from the Highway Department, the approval of the use of the Rail Trail from the Parks Dept., and auxiliary police detail from the Police Dept., for the Rail Trail 5K on Saturday, September 14, 2024 from 9:00am-10:30am.

TOWN CLERK

25. 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: May 7, 2024 Police Commission; May 7 & 21, 2024 Regular Town Board Meeting and May 30, 2024 Special Town Board Meeting.

AUDIT

26. 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 \$ \$2,671,976.43.

EXECUTIVE SESSION

27. 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

28. RE-ENTER RTBM / ADJOURNED / MEMORY

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