



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday July 23, 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:

- ◆ **Pearl River Farmers Market / Every Saturday through November 2024 / 10 am - 2 pm / Central Avenue Field, Pearl River**

PRESENTATIONS:

- ◆ **Presentation by Blauvelt Volunteer Fire Company, Inc. / Bonding Approval for Renovation of Western Highway Firehouse**

DISCUSSION:

- ◆ **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 JULY 23, 2024 AT 7:05 PM / RENEWAL OF FRANCHISE AGREEMENT / VERIZON NEW YORK INC.**

RESOLVED, that the public hearing to hear comments concerning the renewal of Verizon New York Inc.'s franchise agreement with the Town of Orangetown is hereby opened.

4. **CLOSE PUBLIC PORTION / RENEWAL OF FRANCHISE AGREEMENT / VERIZON NEW YORK INC.**

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 FRANCHISE AGREEMENT / VERIZON NEW YORK INC.**

RESOLVED, that the Town Board hereby declares itself to be Lead Agency for environmental review with respect to the matter of extending the Verizon New York 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. **AUTHORIZING THE TOWN OF ORANGETOWN TO RENEW A CABLE FRANCHISE AGREEMENT WITH VERIZON NEW YORK, INC. TO OPERATE A CABLE SYSTEM IN THE TOWN OF ORANGETOWN**

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");

WHEREAS, the Town, executed a franchise agreement with Verizon New York, Inc. (the "Franchisee") on March 12, 2007, which was thereafter confirmed and made effective by the New York State Public Service Commission ("Commission") on April 20, 2007 for a term of fifteen (15) years (Case No.07-V-0321), and

WHEREAS, said franchise agreement expired on April 19, 2022; and

WHEREAS, Franchisee has submitted a proposed franchise renewal agreement (the "Franchise Renewal Agreement") to continue operating its system within the Town for a term of 5 (five) years; 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 System 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 on July 23, 2024.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council 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 Council hereby authorizes the Town Supervisor to enter into the Franchise Renewal Agreement with Verizon New York, Inc. and to execute any other documents necessary to effectuate the granting of the franchise renewal on behalf of the Town of Orangetown.

7. **OPEN PUBLIC HEARING / RTBM OF JULY 23, 2024 AT 7:10 PM / PROPOSED LOCAL LAW / AMEND CHAPTER 30 / CERTIFICATES OF SEWER REGISTRATION**

RESOLVED, that the public hearing on a proposed Local Law, by amending chapter 30 of the Town Code, entitled "Sewers-Rules and Regulations" to permit the Commissioner of the Town Department of Environmental Management and Engineering to issue certificates of sewer registration is hereby opened.

8. **CLOSE PUBLIC HEARING / PROPOSED LOCAL LAW / AMEND CHAPTER 30 / CERTIFICATES OF SEWER REGISTRATION**

RESOLVED, that the public hearing on a proposed Local Law, by amending chapter 30 of the Town Code, entitled "Sewers-Rules and Regulations" to permit the Commissioner of the Town Department of Environmental Management and Engineering to issue certificates of sewer registration is hereby closed.

9. **SEQRA DETERMINATION / LOCAL LAW / AMEND TOWN CODE CHAPTER 30 / CERTIFICATE OF SEWER REGISTRATION**

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 by amending chapter 30 of the Town Code, entitled "Sewers-Rules and Regulations" to permit the Commissioner of the Town Department of Environmental Management and Engineering to issue certificates of sewer

registration, and declares that this is a Type II action under SEQRA, with no further environmental review required.

10. ADOPT LOCAL LAW / AMEND TOWN CODE CHAPTER 30 / CERTIFICATE OF SEWER REGISTRATION

BE IT RESOLVED, that the Town Board hereby adopts Local Law #____ of 2024 amending Chapter 30 of the Town Code of the Town of Orangetown entitled “Sewers-Rules and Regulations”, providing for the Commissioner of the Department of Environmental Management and Engineering to issue certificates of sewer registration as set forth more fully therein on the annexed Local Law.

TOWN OF ORANGETOWN

PROPOSED LOCAL LAW # ____ - 2024

A LOCAL LAW TO AMEND CHAPTER 30 OF THE TOWN CODE ENTITLED “SEWERS-RULES AND REGULATIONS”, TO AUTHORIZE THE COMMISSIONER OF THE TOWN’S DEPARTMENT OF ENVIRONMENTAL MANAGEMENT AND ENGINEERING TO ISSUE CERTIFICATES OF SEWER REGISTRATION

Be it enacted by the Town Board of the Town of Orangetown as follows: The Code of the Town of Orangetown, shall be amended to incorporate revisions as described (additions are underlined, deletions are ~~strikethrough~~):

Section 1. Amend Definition section

Section 30-1 of Chapter 30 of the Town Code entitled “Definitions” is hereby amended as follows:

CERTIFICATE OF REGISTRATION

Documented approval issued by the ~~Town Board~~ Commissioner of the Town of Orangetown Department of Environmental Management and Engineering which grants the recipient the right to plan, excavate, construct and connect, in accordance with all Town regulations, house sewers from curb to main interceptor line.

Section 2. Amend Certificate section

Section 30-6 of Chapter 30 of the Town Code entitled “Certificate of registration” is hereby amended as follows:

§ 30-6 Certificate of registration.

A. All applications for certificates of registration to construct any house sewer or do any work indicated to any connection to said system shall be made, in writing, to the ~~Director~~ Commissioner of the Department of Environmental Management and Engineering, and all certificates of registration shall be granted by ~~the Board~~ the Commissioner upon satisfaction of the criteria set forth herein. The fee for such certificate of registration shall be ~~\$250 as set by Town Board Resolution~~. An applicant, before receiving such certificate, shall furnish to the ~~Board~~ Director proof satisfactory to it that:

- (1) Said applicant is qualified to do such work in a good, workmanlike manner.

- (2) Said application is accompanied by a bond with sureties acceptable to the ~~Board~~ Commissioner in the sum of not less than \$25,000 guaranteeing that:
- (a) The applicant shall duly and faithfully perform said work in all respects.
 - (b) Said applicant shall comply in all respects with all rules and regulations established by the Town.
 - (c) Said applicant will indemnify the Town for all loss or damage that may result from his work.
 - (d) Said applicant shall obtain a permit from the Town before commencing any work or excavation.
 - (e) In the event that the applicant has been deemed to have violated this ordinance or any rule or regulation, upon notice thereof, said applicant will forthwith, at his own expense, cure said violation, and in the event of his failure to do so within a reasonable time thereafter, said violation may be cured by the Town, and any expense incidental thereto will be paid by the applicant.
- B. The applicant shall furnish certificates of public liability insurance in the sum of \$1,000,000 and property damage insurance in the sum of \$100,000, which shall indemnify and save harmless the district and the Town, its officers, agents and employees from all suits and actions for the recovery of damages, money or otherwise, for and on account of any injury or damages, resulting in death or otherwise, received or sustained by any person, persons or property as a direct or indirect result of any work, labor or materials used by the applicant and/or as a result of negligence, carelessness or recklessness of the applicant in the performance of said work and/or as a result of any act of omission or commission of said applicant. Said applicant shall have workers' compensation insurance as required by law, and the application shall be accompanied by certificates thereof or by satisfactory proof of exemption. All of said policies of insurance shall bear an endorsement in favor of the Town of Orangetown. [Amended 9-10-1991 by L.L. No. 17, 1991; 11-27-1995 by L.L. No. 34, 1995]
- C. All materials used in conforming to this ordinance will be of the best quality and all work will be executed by skilled workers in a thorough, workmanlike manner.
- D. ~~Upon receiving said certificate from the Board the applicant shall furnish to the Superintendent a certificate of its issuance, signed by the Town Clerk.~~ Said certificate of registration may be canceled and annulled by the ~~Board~~ Commissioner for cause after a ~~public hearing~~ thereon, but such certificate of registration shall be automatically canceled and annulled upon the expiration of either the bond or the insurances required for such certificate of registration. The owner of such canceled certificate shall not thereafter be registered for a period of two years after the date of the cancellation of said certificate. Said certificate of registration shall expire on the 31st day of December in each year succeeding the date of its initial issuance. All applications for renewals of said certificates shall be filed between the 15th day of November and the 30th day of November next preceding the date of expiration, and such renewal certificates shall become effective on the first day of January thereafter.
- E. Nothing herein contained shall prevent any owner from constructing the connection and/or furnishing the material from the house drain to the property line, and any owner doing such work on his private property need not, unless required by any other law, obtain a certificate of registration nor furnish any bond, public liability insurance nor any workers'

compensation insurance but shall otherwise comply with this ordinance. The owner shall comply with this ordinance concerning any work and materials necessary for the connection outside of the property line, and such work shall be performed under a certificate of registration.

- F. Any person, firm or corporation who is registered under § 30-6 of this ordinance will not be permitted to subcontract the installation of these facilities. Any signature for work performed by others will immediately revoke the certificate of the signee. [Added 5-25-1964]

Section 3. 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 4. Effective Date.

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

11. APPROVE/ RETAINER OF DICHTER LAW LLC FOR JOINT REPRESENTATION OF TOWN'S INTERESTS BEFORE PUBLIC SERVICE COMMISSION / 2024 ORANGE AND ROCKLAND RATE CASE

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to execute an Engagement Letter with Dichter Law LLC, in a form to be approved by the Town Attorney, pursuant to which the Town of Orangetown will share proportionately with other Rockland County towns and municipal entities (based on population) in the cost of legal representation by the Dichter law firm before the N.Y.S. Public Service Commission, case 24-E-0060 and 24 -G-0061, contesting the magnitude of the proposed rate increase sought by Orange and Rockland. The cost to the Town, as authorized by this resolution, shall not exceed \$4,000.00.

12. APPROVE / ORANGETOWN 2025 BUDGET CALENDAR

WHEREAS, Article 8 of the Town Law of the State of New York provides for a budget system for a Town and the Town Board wishes to set up a budget schedule as provided in Article 8 of the Town Law by designating various dates to implement the 2025 budget;

NOW, THEREFORE, BE IT RESOLVED , that the following dates are hereby set as official dates of the Town of Orangetown for the submission and adoption of the budget as required by law;

SEPTEMBER 12, 2024 (Thursday): Special Town Board Meeting at 5:30 P.M. will take place at Town Hall, Orangeburg, New York, to include all Department Heads to present their budget requests.

SEPTEMBER 20, 2024 (Friday): Last day for Department Heads to submit budget estimates.

SEPTEMBER 24, 2024 (Tuesday): At the RTBM of the Town Board at 7:00 P.M., the 2025 Supervisor's Tentative Budget shall be distributed to the Town Board and Department Heads, and the Finance Department will publish it on the Town's website;

SEPTEMBER 24, 2024 (Tuesday): Schedule a Public Hearing for October 8, 2024, 7:00 P.M. / Blauvelt Fire Protection District Contract;

SEPTEMBER 24, 2024 (Tuesday): Schedule a Public Hearing for October 8, 2024, 7:10 P.M. / Regarding the Orangetown Library Districts for a one-year contract (Blauvelt, Orangeburg, Tappan and Palisades);

SEPTEMBER 24, 2024 (Tuesday): Schedule a Public Hearing for October 8, 2024, 7:15 P.M./ Regarding the 2025 Preliminary Budget; once the Town Board approves modifications to the Tentative Budget by Resolution(s), it becomes the Preliminary Budget; and is filed with the Town Clerk and the Director of Finance is authorized to publish it on the Town's website.

OCTOBER 8, 2024 (Tuesday): Public Hearings: (1) Blauvelt Fire Protection District; (2) Orangetown Library Districts; and (3) 2025 Preliminary Budget

NOVEMBER 12, 2024 (Tuesday): Public Hearing at 7:00 P.M. / Continuation of Public Hearing on the Preliminary Budget shall be held at Town Hall, Orangeburg, New York. At the conclusion of the Hearing, the Town Board may by resolution adopt a final budget, by either accepting or amending the Preliminary Budget and said budget may become the legally Adopted Budget for the Town of Orangetown for the year commencing January 1, 2025.

13. **SET DATE / STBM OF AUGUST 20, 2024 (TUESDAY) AT 6:00 PM / DEME 2025 BUDGET PRESENTATION TO TOWN BOARD**

RESOLVED, that upon the recommendation of the Director of Finance, set date for a STBM on August 20, 2024 (Tuesday) at 6:00 pm regarding DEME's 2025 Budget Presentation to Town Board.

14. **SET DATE / RTBM OF SEPTEMBER 10, 2024 (TUESDAY) AT 7:05 P.M. FOR SPECIAL DISTRICTS RE: 2025 BUDGET PRESENTATIONS TO THE TOWN BOARD (BLAUVELT VOLUNTEER FIRE DEPARTMENT FOR THE BLAUVELT FIRE PROTECTION DISTRICT, ROCKLAND PARAMEDICS, SOUTH ORANGETOWN AMBULANCE CORPS, NYACK AMBULANCE CORPS, ORANGEBURG LIBRARY, TAPPAN LIBRARY, PALISADES LIBRARY AND THE BLAUVELT LIBRARY)**

RESOLVED, that upon the recommendation of the Director of Finance, set date of September 10, 2024 (Tuesday) at 7:05 P.M. for Special Districts (Blauvelt Volunteer Fire Department for the Blauvelt Fire Protection District, Rockland Paramedics, South Orangetown Ambulance Corps, Nyack Ambulance Corps, Orangeburg Library, Tappan Library, Palisades Library and the Blauvelt Library) regarding their 2025 Budget Presentations to the Town Board.

15. **SET DATE / STBM OF SEPTEMBER 12, 2024 (THURSDAY) AT 5:30 P.M. RE: TOWN DEPARTMENTS 2025 BUDGET PRESENTATION TO TOWN BOARD**

RESOLVED, that upon the recommendation of the Director of Finance, set date for a STBM on September 12, 2024 (Thursday) at 5:30 P.M. regarding the Town Departments 2025 Budget Presentation to the Town Board.

TOWN ATTORNEY

16. **AUTHORIZE TOWN ATTORNEY TO FILE CIVIL ACTION / 92 SCHUYLER HILL ROAD**

RESOLVED that the Town Attorney is authorized, and directed, to commence a civil action/lawsuit, in NYS Supreme Court, Rockland County, and to execute all necessary legal papers related to same, against the property owner of 92 Schuyler Hill Road and all other appropriate parties, regarding the trespass and clearing of trees on Town land.

17. **ACCEPT THE ROCKLAND COUNTY FIRE MUTUAL AID PLAN (REVISED MARCH 2024)**

RESOLVED THAT the Rockland County Fire Mutual Aid Plan (revised March 2024) is accepted by the Town Board of the Town of Orangetown on behalf of the Blauvelt Volunteer Fire Company, Inc.; and

RESOLVED THAT the Town Board of the Town of Orangetown encourages the participation of the Blauvelt Volunteer Fire Company, Inc. in the Rockland County Fire Mutual Aid Plan as now in effect, and as amended from time to time; and certifies to the Legislature of Rockland County through the Rockland County Fire Coordinator that no restriction exists against “outside service” by the Blauvelt Volunteer Fire Company, Inc., within the meaning of Section 209 of the General Municipal Law, which would affect the power of the fire company to participate in such plan; and be it further

RESOLVED THAT a certified copy of this resolution shall be filed with the Rockland County Fire Coordinator, Office of Fire and Emergency Services, Fire Training Center, 35 Firemen’s Memorial Drive, Pomona, New York 10970.

18. **AUTHORIZE AMEND RESTRICTIVE COVENANT / DOMINICAN UNIVERSITY OF NEW YORK / ST. DOMINIC’S FAMILY SERVICES / 2 CONVENT ROAD BLAUVELT NY**

WHEREAS, Dominican University of New York, formerly known as the Dominican College of Blauvelt, (hereinafter collectively referred to as “Dominican”) is the owner of the property located at 2 Convent Road, Blauvelt, NY, tax lot 70.18-3-24 (“subject property”) and is in contract to sell the subject property to St. Dominic’s Family Services, Inc., a nonprofit organization providing foster care and prevention, developmental disabilities educational programs, and mental health services, among other related services, and

WHEREAS, the subject property is located in an R-15 residential zoning district, but on October 21, 1976, the Town Zoning Board of Appeals granted a Use Variance to Dominican to permit the use of the property for educational purposes, including but not limited to seminar rooms and faculty offices for the benefit of Dominican, and

WHEREAS, as a condition of the granting of the use variance, Dominican filed a restrictive covenant with the Rockland County Clerk's Office dated October 24, 1979, at liber 1036, page 842, which covenant required that in the event of a future sale of the property by Dominican, that the use of the property for educational purposes and offices would terminate, and the property would be reconditioned and sold as a single family residence, and

WHEREAS, Dominican and St. Dominic's have requested that the restrictive covenant be amended to provide that the property may be transferred to St. Dominic's under the same terms and conditions as the original covenant, and asking that more than one car be permitted to park at the site,

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby agrees to amend the restrictive covenant to provide that Dominican may transfer the subject property to St. Dominic's Family Services, Inc. and the subject property may be used as part of their mission in providing educational services, as well as for office use and storage, subject to obtaining any necessary building permits as may be required for alterations at the property, or as otherwise required by the Town, and to permit parking of no more than five (5) non-commercial vehicles on the driveway/parking area as it currently exists, and that the amended restrictive covenant, in a form and substance as attached, and upon approval of the Town Attorney, must be recorded at the expense of the property owner(s) and no expense to the Town, prior to or simultaneous with, the transfer of title from Dominican to St. Dominic's, otherwise this resolution shall be deemed null and void and of no force and effect.

HIGHWAY

19. APPROVE CONTRACT / TYMCO SWEEPER / TRIUS INC. / SOURCEWELL

WHEREAS, pursuant to General Municipal Law § 103(16), a municipality is authorized to make purchases of apparatus, materials, equipment and supplies, as required, through the use of a contract let by the United States, or any agency thereof, or any state or any other political subdivision or district therein, if such contract was let to the lowest responsible bidder or on the basis of best value, in a manner consistent with GML § 103 and specifically made available to other municipalities; and

WHEREAS, Sourcewell, formerly known as the National Joint Powers Alliance ("NJPA"), is a public entity whose creation was authorized by the State of Minnesota, pursuant to Minn. Stat. § 123A.21; and

WHEREAS, Sourcewell is permitted to engage in cooperative purchasing, pursuant to Minn. Stat. § 471.345, for supplies, materials and equipment based on sealed competitive bid, direct negotiation or best value, based on the estimated cost of the item; and

WHEREAS, the Town of Orangetown, hereafter Town, is a member agency of Sourcewell; and

WHEREAS, on or about September 27, 2022 Sourcewell, issued a Request for Proposal for the procurement of Airport Runway Equipment with Related Supplies and Services; and

WHEREAS, on November 15, 2022, the responses to the RFP were publicly opened; and

WHEREAS, as a result thereof, a contract #111522-TYM was awarded to TYMCO, Inc., 225 E. Industrial Blvd., Waco, TX 76705, which contract was expressly made available to member agencies, including the Town of Orangetown; and

WHEREAS, the Sweeper, as bid, meets the specifications and needs of the Town,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the purchase of a Sweeper Model 600 mounted on an International MV607 Chassis from Tymco, through their regional sales representative, Trius, Inc. under Sourcewell Contract #111522-TYM, at a total cost of Three Hundred Fifty Seven Thousand, Three Hundred, Ninety Dollars (\$357,390.00) to be charged to account #H.5130.200.24, and further authorizes the Supervisor, Superintendent of Highways and Director of Finance to take such further action, and to execute such further documents, as may be necessary to effectuate such purchase.

ASSESSOR

20. ADOPT / CURRENT BASE PERCENTAGES AND ADJUSTED BASE PROPORTIONS / 2024 TAX ASSESSMENT ROLL

RESOLVED, that upon the recommendation of the Assessor, the Town Board hereby adopts the Certificate of Current Homestead Base Proportions and Adjusted Base Proportions (forms 6701 & 6703) pursuant to Article 19, Section 1903 of New York State Real Property Tax Law for the Levy of Taxes based upon the 2024 Assessment Roll, and the Town Clerk is hereby authorized to affix a Town certification.

AUDIT

21. 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 **\$1,821,450.62**.

EXECUTIVE SESSION

22. ENTER EXECUTIVE SESSION

RESOLVED, at _____ pm, the Town Board entered Executive Session to discuss_____.

ADJOURNMENTS

23. RE-ENTER RTBM / ADJOURNED / MEMORY

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

- ❖ **Cecelia Butterworth**, *Mother of Orangetown Chief of Police, Donald Butterworth*
- ❖ **Eileen Cesca**, *Mother of Parks Department Employee Rich Cesca*
- ❖ **Watson Morgan**, *Former Resident of Orangeburg, and Past Member of the Orangetown Parks Development Advisory Committee and Orangetown Environmental Committee*