



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday September 24, 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:

- ◆ **Orangetown Hunger's 5K Heroes Walk/Run / Saturday, October 5, 2024 / 10 am at Depot Square, Sparkill / All net proceeds will be donated to food pantries in the Orangetown area**
- ◆ **Orangetown Photo Contest for New Town Website / Deadline to submit photos is November 1, 2024 / Visit www.orangetown.com for more details**

PRESENTATIONS:

- ◆ **Nyack Ambulance Corps 2025 Budget Presentation (Bill McDowell)**
- ◆ **Town Supervisor's Tentative 2025 Budget Presentation**

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 / 7:05 P.M. / PROPOSED ZONE CHANGE FOR 676 AND 680 WESTERN HIGHWAY AND THE NORTH END OF ELLSWORTH DRIVE, BLAUVELT (SECTION 70.05 BLOCK 1 AND LOTS 14.1, 14.2 & 17.1)**

RESOLVED, that the public hearing on a proposed zone change for 676 and 680 Western Highway and the North End of Ellsworth Drive, Blauvelt (Section 70.05 Block 1 and Lots 14.1, 14.2 & 17.1) is hereby opened.

4. **CLOSE/CONTINUE PUBLIC HEARING / PROPOSED ZONE CHANGE FOR 676 AND 680 WESTERN HIGHWAY AND THE NORTH END OF ELLSWORTH DRIVE, BLAUVELT (SECTION 70.05 BLOCK 1 AND LOTS 14.1, 14.2 & 17.1)**

RESOLVED, that the public hearing for a proposed zone change for 676 and 680 Western Highway and the North End of Ellsworth Drive, Blauvelt (Section 70.05 Block 1 and Lots 14.1, 14.2 & 17.1) is hereby closed or continued to _____.

5. **2025 TOWN SUPERVISOR'S TENTATIVE BUDGET DISTRIBUTED / RECEIVED / FILED**

RESOLVED, that the 2025 Supervisor's Tentative Budget is hereby distributed to the Town Board for review; filed with the Town Clerk and the Finance Department is authorized to make it available on the Town's website (www.orangetown.com).

6. **SET DATE / PUBLIC HEARING / RTBM OF OCTOBER 8, 2024 AT 7:00 P.M. / INTENT TO BE LEAD AGENCY / SEQRA 2025 / ONE-YEAR CONTACT / BLAUVELT FIRE PROTECTION DISTRICT**

RESOLVED, that pursuant to Town Law 184, the Town Board will hold a Public Hearing at 7:00 P.M. at the own Board meeting of October 8, 2024, to consider a contract with the Blauvelt Volunteer Fire Company, Inc., for Fire Protection Services in and throughout the Blauvelt Fire Protection District, within the Town, for year 2025 and authorizes the Town Clerk to publish the meeting notice.

BE IT FURTHER RESOLVED, that in connection therewith, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review under SEQRA and makes the preliminary determination that the action in an "unlisted" action under SEQRA.

7. **SET DATE / PUBLIC HEARING / RTBM OF OCTOBER 8, 2024 AT 7:10 P.M. / INTENT TO BE LEAD AGENCY / SEQRA / 2025 ONE-YEAR CONTRACT / ORANGETOWN LIBRARY DISTRICT AGREEMENTS (BLAUVELT, ORANGEBURG, TAPPAN AND PALISADES LIBRARIES)**

RESOLVED, that the Town Board hereby sets October 8, 2024 at 7:10 P.M. for a public hearing on the proposed Contracts between the Town of Orangetown and the Blauvelt Free Library, the Orangeburg Library, the Palisades Free Library and the Tappan Free Library,

for library services in and throughout the boundaries of their district as contained in the Orangetown Library District (and including the residents of Sparkill) as delineated in subdivision (c) of Section 1 of Chapter 494 of the Laws of 2012 within the Town) for calendar year 2025; and authorizes the Town Clerk to publish the meeting notice.

BE IT FURTHER RESOLVED, that in connection therewith, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review under SEQRA and makes the preliminary determination that the action is an “unlisted” action under SEQRA.

8. **SET DATE / PUBLIC HEARING / RTBM OF OCTOBER 8, 2024 AT 7:15 P.M. / 2025 PRELIMINARY BUDGET**

RESOLVED, that the Town Board hereby sets October 8, 2024 at 7:15 P.M. for a public hearing on the 2025 Preliminary Budget, and authorize the Town Clerk to publish the meeting notice, and authorizes the Finance Department to publish it on the Town's website (www.orangetown.com) and file in the Town Clerk's office for public viewing.

9. **APPROVE AGREEMENT / ATZL NASHER & ZIGLER / PHASE I ENVIRONMENTAL ENGINEERING SERVICES / TOWN PURCHASE OF 149-157 PIERMONT AVE., S. NYACK, NEW YORK**

RESOLVED that in furtherance of the Town’s contract to purchase the property located at 149- 157 Piermont Avenue, South Nyack, NY as authorized by Resolution No. 2024-328, authorize the Town Attorney to engage the services of Atzl, Nasher & Zigler, P.C. to perform a Phase I environmental review of the property, at a cost not to exceed \$3,750.00 and authorize the Town Attorney or his designee to execute any agreements necessary to effectuate the purposes of this resolution.

10. **APPROVE GRANT & FUND OVERAGE / STATE AND MUNICIPAL (SAM) GRANT / SHADE STRUCTURES / VETERANS MEMORIAL PARK-ORANGEBURG, TAPPAN PARK-TAPPAN AND EMILIO DIFRANCESCO PARK-SPARKILL**

WHEREAS, the Town of Orangetown has been approved by the State of New York to receive a State and Municipal Facilities Program (SAM) grant to be administered by the Dormitory Authority of the State of New York (DASNY) for five (5) shade structures for three Orangetown parks (Veterans Memorial Park-Orangetown, Tappan Park-Tappan and Emilio DiFrancesco Park-Sparkill) in the amount of \$75,000, subject to review and approval of DASNY and the submission of further documentation by the Town to DASNY; and,

WHEREAS, the Town Board hereby finds the purchase of shade structures for three Orangetown Parks and acceptance of the grant a Type II action under SEQRA which requires no further review with respect to SEQRA;

NOW THEREFORE, BE IT RESOLVED, that the Town Board agrees to accept the SAM grant from the State of New York, which is to be administered by DASNY, in the amount of \$75,000 towards the purchase of five (5) shade structures for three Orangetown parks (Veterans Memorial Park, Tappan Park and Emilio DiFrancesco Park); and,

BE IT FURTHER RESOLVED, the Town Board agrees to fund the remainder of the cost and any overages, through the Parks Trust, for the shade structures, not to exceed \$10,000; and,

BE IT FURTHER RESOLVED, that the Supervisor or her designee is authorized to execute any and all documents necessary to accept and administer the grant for the shade structures for three Orangetown parks in accordance with DASNY requirements, subject to review and approval of the Town Attorney's Office.

11. **APPOINT MATTHEW MILLER / MEMBER / ORANGETOWN PLANNING BOARD / EFFECTIVE SEPTEMBER 25, 2024**

RESOLVED, that Matthew Miller is hereby appointed as a Member to the Orangetown Planning Board to fill the unexpired term of Kevin Farry. His term commences on September 25, 2024 and expires on December 31, 2028, and

BE IT FURTHER RESOLVED, that, due to his appointment to the Planning Board, the Town Board accepts the resignation of Matthew Miller from the Architecture and Community Appearance Board of Review (ACABOR), effective September 25, 2024.

12. **APPOINT MATTHEW CAREY / MEMBER / ORANGETOWN ARCHITECTURE AND COMMUNITY APPEARANCE BOARD OF REVIEW / EFFECTIVE SEPTEMBER 25, 2024**

RESOLVED, that Matthew Carey is hereby appointed as a Member to the Orangetown Architecture and Community Appearance Board of Review (ACABOR) to fill the unexpired term of Matthew Miller, effective as of September 25, 2024. His term expires on December 31, 2025.

HIGHWAY

13. **AUTHORIZE/ AGREEMENT/ NYSDOT/ PIN 8763.16/ MARGARET KEAHON DRIVE DRIVE BRIDGE REPLACEMENT**

WHEREAS, a project for the *Margaret Keahon Drive over Muddy Brook Bridge Replacement, Town of Orangetown, Rockland County*, PIN 8763.16 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, 23CFR as amended and PUB. L. 117-58 also known as the "Bipartisan Infrastructure Law" (BIL); and

WHEREAS, the Town of Orangetown will design, let, and construct the Project: and

WHEREAS, the Town of Orangetown desires to advance the Project by making a commitment of 100% of the costs of the preliminary and detailed design work for the Project or portions thereof.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves the Project; and,

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town of Orangetown to pay 100% of the cost of preliminary and detailed design work for the Project

or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds; and,

BE IT FURTHER RESOLVED, that the sum of **\$369,529** is hereby appropriated from H.5111.200.24 and made available to cover the cost of participation in the above phases of the Project; and,

BE IT FURTHER RESOLVED, that the Town Board hereby agrees that the Town of Orangetown Superintendent of Highways shall be responsible for all costs of the Project which exceed the amount of federal-aid, state-aid, or NY Bridge funding awarded to the Town of Orangetown; and,

BE IT FURTHER RESOLVED, that in the event the Project costs not covered by federal aid, state aid, or NY Bridge funding exceed the amount appropriated above, the Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town of Orangetown Superintendent of Highways thereof; and,

BE IT FURTHER RESOLVED, that Town of Orangetown hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and,

BE IT FURTHER RESOLVED, that the Town of Orangetown Superintendent of Highways be and is hereby authorized to execute on behalf of the Town of Orangetown all necessary agreements, certifications or reimbursement requests for federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Town of Orangetown's funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and,

BE IT FURTHER RESOLVED, that the Town of Orangetown will be responsible for all maintenance of the Project; and,

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

BE IT FURTHER RESOLVED, this Resolution shall take effect immediately.

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14. AWARD CONTRACT / PAT PAVING INC. / WWTP MILLING, PAVING AND DRAINAGE

WHEREAS, the Commissioner of Environmental Management & Engineering duly advertised for the WWTP Milling, Paving and Drainage, which were received and publicly opened on August 29th, 2024; and,

NOW, THEREFORE, BE IT RESOLVED, upon the recommendation of the Commissioner of Environmental Management & Engineering, award the contract for the WWTP Milling, Paving and Drainage to Pat Paving Inc., Dobbs Ferry, NY, the lowest qualified bidder in the amount of \$251,922.00 to be charged to account #H.8120.200.24.

LEND ASSISTANCE

15. **APPROVE / LEND ASSISTANCE / NOBLE NINTH, INC. / TRAUBENFEST / SUNDAY, OCTOBER 6, 2024**

RESOLVED, upon the recommendation of the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of barricades and a message board from the Highway Department, and auxiliary police from OPD, for the Noble Ninth Traubenfest to be held on Sunday, October 6, 2024 from 10am-9pm.

RESOLVED, that upon the completion of the necessary paperwork, the Superintendent of Parks, Recreation & Building Maintenance has forwarded for approval by the Town Board use of the Showmobile by the Noble Ninth, Inc for their Traubenfest to be held on Sunday, October 6, 2024 with the organization providing a certificate of insurance listing the Town of Orangetown as an additionally insured.

16. **APPROVE/ LEND ASSISTANCE / 2024 PEARL RIVER DAY FESTIVAL / CENTRAL AVENUE, PEARL RIVER / OCTOBER 19, 2024**

RESOLVED, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of trash cans, barricades, electronic message board and detour signs; the distribution of green waste bags and recycling bins to residents from the Highway Department; a police detail provided by OPD, and a Highway Department event perimeter for the annual Pearl River Day Festival to be held on Saturday, October 19, 2024, from 8 am to 7 pm.

RESOLVED, upon the completion of the necessary paperwork, the Superintendent of Parks, Recreation & Building Maintenance has forwarded for approval by the Town Board use of the showmobile at a rental cost of \$ 500.00 and the rental of 12 porto -jons for Pearl River Day on Saturday, October 19, 2024, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

TOWN CLERK

17. **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: Aug 20th and Sept 10th Police Commission; Aug 20th and Sept 10th Regular Town Board Meetings; and Aug 20th and Sept 12th Special Town Board Meeting.
2. Verizon, Petition for Approval of the Renewal of a Cable Television Franchise Agreement.
3. Deed – Palisades Renewal Center Company, 334 Route 9W, Palisades (78.10-1-1)
4. Declaration of Covenants & Restrictions – 334 Route 9W, Palisades (78.13-1-1)

AUDIT

18. 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 **\$3,190,361.82**.

EXECUTIVE SESSION

19. ENTER EXECUTIVE SESSION

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

ADJOURNMENTS

20. RE-ENTER RTBM / ADJOURNED / MEMORY

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

- ❖ **Jennifer Howard**, *Resident of Blauvelt*
- ❖ **Anne Murphy**, *Resident of Blauvelt*