



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday December 17, 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:

- ◆ **Public Hearing on January 7, 2025 / Amending Chapter 18 Hawking and Peddling of the Town Code / Requiring licensees to adhere to the most current list of properties registered under the Do Not Knock Registry**

PRESENTATIONS:

- ◆ **James Burns, Troop 2055 Eagle Scout Presentation - Designed and constructed a memorial garden at the Blauvelt Library in memory of two beloved librarians, Dolores Doyle and Maria De Lisser**
- ◆ **2024 Tappan Zee High School Girls Cross Country New York State Champions Certificate 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. RESUME PUBLIC HEARING FROM SEPTEMBER 24, 2024 / 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 resumed.

- 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. SET FEE FOR HAWKING AND PEDDLING LICENSE / RESIDENT / NON-RESIDENT / EFFECTIVE JANUARY 1, 2025**

WHEREAS, pursuant to Chapter 18, §18-9 of the Town Code, entitled “Hawking and Peddling” the Town Board is authorized to determine and set the fees for hawking and peddling licenses issued pursuant to said Chapter; and

WHEREAS, the Town Board having taken into consideration the current costs, time and effort of the Town Clerk’s Office in reviewing and issuing such licenses and maintaining the Do Not Knock Registry as part of its duties under Chapter 18,

NOW THEREFORE IT IS HEREBY RESOLVED THAT, the Town hereby sets the fees for hawking and peddling licenses as follows: Resident fee: \$300; Non-resident fee: \$400.00, effective January 1, 2025.

BE IT FURTHER RESOLVED THAT, these fees shall remain in effect until further resolution of the Town Board.

- 6. SET PUBLIC HEARING / JANUARY 7, 2025 AT 7:05 PM / PROPOSED AMENDMENT TO CHAPTER 18 TOWN CODE / HAWKING AND PEDDLING / DO NOT KNOCK REGISTRY**

RESOLVED that the Town Board will hold a public hearing on January 7, 2025 at 7:05 p.m., on a proposed Local Law Amending Chapter 18 Hawking and Peddling, Section 18-3 regarding requirements of licensees to adhere to the most current list of properties registered under the Do Not Knock Registry law as publicly available.

7. **SET PUBLIC HEARING / JANUARY 28, 2025 AT 7:05 PM / PROPOSED AMENDMENT TO CHAPTER 43 TOWN CODE / DEFINE FAMILY / USE AND OCCUPANCY OF RESIDENTIAL DWELLINGS**

RESOLVED, the Town Board will hold a Public Hearing on January 28, 2025 at 7:05 pm on a proposed amendment to the Town Code, Chapter 43, Zoning, Article XI, Section 11.2 to define “Family” and to enact a new article to Chapter 43, to be entitled “Article XIX - Illegal Occupancies” to address issues related to the use and occupancy of residential dwellings.

8. **DECLARATION OF INTENTION OF TOWN BOARD TO SERVE AS LEAD AGENCY PURSUANT TO SEQRA**

WHEREAS, the Town Board is desirous of providing for a clearer definition of “Family” in accordance with established precedent in the State of New York and with current practice, and

WHEREAS, the Town Board also seeks to more clearly define the circumstances where an occupancy of a residential dwelling is not legal, and thus seeks to amend Chapter 43 of the Town Code entitled “Zoning” by adoption of a Local Law, and

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

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

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

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

BE IT FURTHER RESOLVED, that, pursuant to Town Code Chapter 43, § 10.5, the Town Board hereby refers the said proposed Local Law, amending the Town Code, to the Town Planning Board, inviting its input regarding, among other things, the implications of such an amendment, and requesting a response within 30-days.

9. **SET PUBLIC HEARING / JANUARY 28, 2025 AT 7:10 PM / PROPOSED AMENDMENT TO CHAPTER 11, SECTION 3, DUMPING AND TRESPASS OF THE TOWN CODE**

RESOLVED that the Town Board will hold a public hearing on January 28, 2025 at 7:10 p.m., on a proposed Local Law Amending Chapter 11 Dumping and Trespass, Section 11-3.2 Disposal of Food Scraps and Section 11-4(B), Violations and penalties with respect to the addition of a provision defining food scraps and the proper disposal thereof and violations and penalties for violating same

10. **SET PUBLIC HEARING / JANUARY 28, 2025 AT 7:15 PM / PROPOSED AMENDMENT TO CHAPTER 18A TOWN CODE / HISTORICAL AREAS BOARD OF REVIEW (HABOR) / CHAPTER 2 OF TOWN CODE / ARCHITECTURE AND COMMUNITY APPEARANCE BOARD OF REVIEW (ACABOR)**

RESOLVED that the Town Board will hold a public hearing on January 28, 2025 at 7:15 p.m., on a proposed Local Law Amending the Town Code, Chapter 18A Historical Areas Board of Review (HABOR) and Chapter 2 Architecture and Community Appearance Board of Review (ACABOR) to provide for 5 members on HABOR and for HABOR to review building permits as required for all matters in the historic districts of the Town.

TOWN ATTORNEY

11. **RESOLUTION APPROVING AND ACCEPTING HOLD HARMLESS AND INDEMNIFICATION AGREEMENT – GINA L. HARRIS, 6 WINDSOR BROOK LANE, TAPPAN, NY (77.07-3-10)**

WHEREAS, Gina L. Harris, the owner of property located at 6 Windsor Brook Lane, Tappan, New York, has applied to the Town Highway Department for permission to reconstruct a fence on an existing Town easement; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town hereby grants to 6 Windsor Brook Lane, Tappan, New York (77.07-3-10), a revocable license, in the form of a Covenant, Hold Harmless and Indemnification Agreement, which provides in sum and substance that the fence may be rebuilt, but that the owner must defend, indemnify and hold harmless the Town for any damage related thereto and caused thereby, and that said structure must be removed upon notice as set forth therein, otherwise to be removed by the Town at the expense of the property owner and,

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

12. PURCHASE / LEXISNEXIS SUBSCRIPTION AGREEMENT / LEGAL RESEARCH TOOL

RESOLVED, upon recommendation of the Town Attorney, the Town Board authorizes the execution of a purchase order and agreement with LexisNexis, a division of RELX, Inc., to provide legal research services, known as LexisNexis + AI, for the Town Attorney's Office. The term is for 3 years; the month of December 2024 is free; January 1 to December 31, 2025 at a cost of \$2,000/month; January 1 to December 31, 2026 at a cost of \$2,100/month; and from January 1 to December 31, 2027 at a cost of \$2,205/month, to be funded through budget line A.1420.445 entitled Books and Publications, and the Town Board hereby authorizes the Supervisor or her designated representative to execute any documents necessary to effectuate said purchase order and agreement.

13. AUTHORIZE / REVOCABLE LICENSE TO PEARL RIVER PUBLIC LIBRARY / STORAGE CONTAINERS AT WILLIAM STREET COMMUTER LOT

WHEREAS, the Town of Orangetown is the owner of certain property located in the hamlet of Pearl River identified as tax lot 68.20-2-79 and known as the William Street commuter parking lot, and

WHEREAS, the Pearl River Public Library located at 80 Franklin Avenue, Pearl River is undergoing construction and renovations such that it has or will temporary relocate its operations and is in need of an area for temporary storage of furniture and equipment in two 20-foot storage containers, and

WHEREAS, the Town has indicated a willingness to grant a revocable license to the Pearl River Public Library to permit their storage of the containers at the William Street commuter lot for a period of no longer than two years, or as sooner revoked by the Town in its discretion, at a cost of \$500.00 per year to be paid annually, and

NOW THEREFORE, BE IT RESOLVED, the Town Board hereby authorizes a revocable license to the Pearl River Public Library, at the annual fee of \$500.00, for the use of a portion of the William Street commuter parking lot for purposes of placing two 20-foot storage containers in a location at the lot as determined by the Town Superintendent of Highways, and

BE IT FURTHER RESOLVED, that the Supervisor or her designee is authorized to execute any documents to implement the terms of this resolution, upon review and approval of the Town Attorney's Office.

POLICE

14. APPROVE INTERMUNICIPAL AGREEMENT / ROCKLAND COUNTY DRUG TASK FORCE / ASSIGN DETECTIVE / REIMBURSEMENT

WHEREAS, the Town of Orangetown has been requested to assign a Detective from the Town Police Department to the Rockland County District Attorney's Drug Task Force, 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 work with the County of Rockland and assign a Detective to the Rockland County Drug Task Force, for which the Town will be reimbursed the sum of \$35,000.00 from the County pursuant to written agreement; 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 Intermunicipal Agreement (“IMA”) by and between the County of Rockland and the Town of Orangetown, which IMA was previously approved by Resolution 541 of 2024 of the Rockland County Legislature, pursuant to which the Town agrees to assign a Detective to the Rockland County Drug Task Force and for which the Town will be reimbursed the sum of \$35,000.00, for the time period of August 26, 2024 through August 26, 2026; and,

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

HIGHWAY

15. APPROVE/ AWARD BID/ TRIUS INC./ HEAVY DUTY HOOK LIFT TRUCK

RESOLVED, upon the recommendation of the Superintendent of Highways, award the bid for One (1) Heavy Duty Cab, Chassis And Hook Lift Hoist System With Dual Auger Spreader And Hi -Capacity Liquid Anti-Icing System to Trius, Inc., Bohemia, New York, in the amount of \$196,887 to be charged to account # H.5130.200.24.

16. APPROVE AGREEMENT / 2024 STORMWATER II EDUCATION PROGRAM / CORNELL COOPERATIVE EXTENSION ROCKLAND COUNTY

WHEREAS, the Town of Orangetown contracts with Rockland County Cornell Cooperative Extension to provide educational services as part of meeting NYS DEC's Minimum Control Measures for Stormwater Phase II Regulations; and,

NOW THEREFORE, BE IT RESOLVED, the Town of Orangetown hereby authorizes the renewal of Stormwater II Education Program Agreement with Cornell Cooperative Extension of Rockland County for 2024 for the period of April 1, 2024 - March 31, 2025 in the amount of \$9,134.28, between Highway D.5110.457.00 and DEME G.8120.443.

17. APPROVE / AGREEMENT EXPENDITURE OF HIGHWAY MONIES / TOWN OF ORANGETOWN/ 2025 PAVEMENT PRESERVATION REPAIR / IMPROVEMENT PROGRAM

WHEREAS, pursuant to the provisions of Section 284 of the Highway Law, we agree that monies bonded by the Town and received from the State for State aid for the repair & improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS, the sum of \$ 1,694,000 shall be set aside to be expended for primary work and general repairs upon 15.05 miles of town highways.
2. PERMANENT IMPROVEMENTS, below contains a list of roads which will be treated in the 2025 Pavement Preservation Program:

PEARL RIVER

Maggiolo Dr
Sandhage Dr
Butternut Dr
Perillo Ct
Guttman Ln
Mouacdie Dr
Salina Rd
Highland Ave
Hunderfund Ln
Nicole Terr
Graney Ct
Margaret Keahon Dr
Jensen Pl
May Rd
Laurel Rd
Center St N.
E. Lewis Ave
Jefferson Ave
Azalea Dr
Tulip Ln
Nancy Rd
Harold St
Peach St
Pear Cir
Plum Ct
Apple Ct
Stone Haven Rd
Franklin Ave (S. John St- Henry St)
Jefferson Ave (Route 304-S. Main St)
Railroad Ave (Rollins Ave-Crooked Hill Rd)

ORANGEBURG

Henry St
Kings Hwy (Hickey St- Route 303)

BLAUVELT

Diane Dr
Regina Ct
Lt. Wheeler Ct
Sylvanus Ct
Shorn Dr
Hobbs Dr
Red Bud Ln
Cottage Ln
Lt. Birch Ct
Colony Dr
Greenhedges Ln
Old Western Hwy
Renie Ln
Mary Jane Ave
South Moison Rd
McKenna St
Arthur St
Hayes St
Pine Glen Dr
Bradley Hill Rd

SOUTH NYACK

Berachah Ave
Smith Ave
Gesner Av
Depot Pl
Voorhis Ave
Division Ave
Gurnee Ave
Glen Byron Ave
Edgewater Ln
Cornelison Ave
Mansfield Ave
Washington Ave
Prall Pl

There will be money spent on other Town Highways as needed to maintain a safe driving surface. This agreement shall take effect when it is approved by the Town Board.

RESOLVED, approve Agreement for expenditure of Highway monies, between the Town Superintendent of Highways of the Town of Orangetown, Rockland County, New York and the undersigned members of the Town Board.

PARKS AND RECREATION

- 18. **APPOINT CHRISTINE SMYTH-BONARDI / ACCOUNT CLERK-TYPIST / PROBATIONARY / GRADE 4, STEP 2 / EFFECTIVE DECEMBER 18, 2024**

RESOLVED, that upon the recommendation of the Superintendent of Recreation and Parks, appoint Christine Smyth-Bonardi to the position of Account Clerk-Typist from Eligible List #22184, Probationary, Grade 4, Step 2 at a salary of \$45,296, effective December 18, 2024.

19. **APPOINT /DAVID BROADHURST / GROUNDWORKER / PROBATIONARY / GRADE 9, STEP 8 / EFFECTIVE JANUARY 2, 2025**

RESOLVED, that upon the recommendation of the Superintendent of Recreation and Parks, appoint David Broadhurst to the position of Groundswoker, Probationary, Grade 9, Step 8 no change in salary, effective January 2, 2025.

BUILDING

20. **APPOINT KATLYN BETTMANN / ADMINISTRATIVE AIDE (PLANNING) / PROBATIONARY / GRADE 11, STEP 1 / EFFECTIVE DECEMBER 18, 2024**

RESOLVED, that upon the recommendation of the Director of Office of Building, Zoning and Planning Administration and Enforcement and Rockland County Personnel, appoint Katlyn Bettmann to the position of Administrative Aide(Planning) from Eligible List #22044, Probationary, Grade 11, Step 1 at a salary of \$65,205, effective December 18, 2024.

TRAFFIC ADVISORY BOARD

21. **APPROVE EXTENSION / 6-MONTH POLICE REGULATION / STOP SIGN AT INTERSECTION OF SOUTH BROADWAY AND ELIZABETH PLACE IN SOUTH NYACK**

WHEREAS, pursuant to Resolution No. 2024-266, a stop sign was installed on South Broadway, heading south, at the intersection of South Broadway and Elizabeth Place in South Nyack due to the limited sight distance caused by the temporary repair of the South Broadway bridge over the New York State Thruway; and,

WHEREAS, the New York State Thruway has not commenced permanent repairs to the bridge; and,

NOW, THEREFORE, BE IT RESOLVED that, upon the recommendation of the Orangetown Traffic Advisory Board, the Town Board approves to extend the 6-month police regulation of the stop sign on South Broadway, heading south, at the intersection of South Broadway and Elizabeth Place, in South Nyack to be reviewed after another 6 months.

DEME

22. **ACCEPT WITH REGRET, RESIGNATION/RETIREMENT OF JUSTINE FAVRE / CHEMIST / D.E.M.E./SEWER DEPARTMENT / EFFECTIVE DECEMBER 28, 2024**

RESOLVED, that the Commissioner of D.E.M.E. and the Town Board accepts with regret, the resignation/retirement of Justine Favre, Chemist, from D.E.M.E./Sewer Department, after 35 years, effective December 28, 2024.

LEND ASSISTANCE

23. APPROVE/ LEND ASSISTANCE / VOLUNTEER FIRE ASSOCIATION OF TAPPAN / HOLIDAY DRIVE- THRU EVENT / DECEMBER 21, 2024

RESOLVED, upon completion of all necessary paperwork and the recommendation of the Superintendent of Highways, the Town Board hereby approves the request for assistance from the Volunteer Fire Association of Tappan, which includes the use of barricades, cones, and two message boards from the Highway Department for their Holiday Drive Thru Event to be held on Saturday, December 21, 2024 from 4:30pm-7:30pm with a rain date of December 22, 2024.

AUDIT

24. 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 **\$3,682,371.40**.

EXECUTIVE SESSION

25. ENTER EXECUTIVE SESSION

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

ADJOURNMENTS

26. RE-ENTER RTBM / ADJOURNED / MEMORY

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

- ❖ **Peter Finning**, *Brother of Orangetown Town Justice Richard Finning*
- ❖ **Robert Kelly**, *Resident of Pearl River*
- ❖ **Leo Michaels**, *Resident of Sparkill and Father of Orangetown Deputy Town Attorney Dennis Michaels*
- ❖ **James O'Connell**, *Former Resident of Blauvelt, Retired from the Orangetown Department of Environmental Management and Engineering and Father of Orangetown DEME Employee Kevin O'Connell*