



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday March 25, 2025

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:

- ◆ **GREAT AMERICAN CLEANUP - ORANGETOWN/TAPPAN - Saturday, April 5, 2025 / 9 am - 11 am / Rain or Shine / Breakfast and lunch included**

PRESENTATIONS:

- ◆ **Camp Shanks Museum Presentation to John Gray, Museum Director**
- ◆ **Orangetown Museum Presentation for a Historic Building Condition Assessment at the Salyer House to be partially funded by a Preserve New York Grant**

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. **RESOLUTION MEMORIALIZING TOWN OF ORANGETOWN'S OPPOSITION TO PROPOSED NEW YORK STATE "FAITH-BASED AFFORDABLE HOUSING ACT"**

WHEREAS, there is currently proposed a bill in the New York State Senate identified as bill no. S03397A and a corresponding bill in the New York State Assembly identified as bill no. A03647 to enact a law known as the "faith-based affordable housing act", which act provides for, among other things, that certain villages, towns and cities throughout the state identified as "urban" according to the U.S. Census Bureau, must allow construction of residential units of up to 30 residential units per acre, regardless of any local zoning laws or regulations, and that such municipalities may not require any such developments to undergo any public hearings or site plan review, and

WHEREAS, the "faith-based affordable housing act" provides that municipalities to which the act applies may not require, among other common land use regulations, provisions for accessory off- street parking; minimum, maximum, or average unit sizes; the regulation of the number or allowable housing units based on lot sizes or any other criteria other than as set forth in the act; the prioritization of housing units for any age group; or the adherence to any local or building fire code beyond the standards specified by the NY State Uniform Fire Prevention and Building Code act, and

WHEREAS, the act, as proposed would effectively usurp the authority bestowed upon local municipalities to implement and enforce zoning regulations, maintain the character of their communities and provide for responsible development, and for proposed development projects to be reviewed by local planning boards through a public hearing process and appropriate site plan review, as such authority is vested in such local municipalities through the New York State Municipal Home Rule Law, and

WHEREAS, the Town of Orangetown is opposed to any legislation that interferes with the authority of the Town of Orangetown and other local municipalities throughout the state, which municipalities are best suited to regulate and plan for development within their communities, to adopt and implement local zoning regulations, as well as comprehensive and master plans that are unique to each community, and to provide for a land use approval process with public hearings where members of the local community can participate in the governmental review process for proposed development projects, and

NOW THEREFORE BE IT RESOLVED, that the Town of Orangetown hereby memorializes its opposition to the "faith-based affordable housing act" as the act proposes to usurp the authority of certain local municipalities throughout the State of New York to maintain their autonomy and authority to regulate development in their communities through established zoning and building codes and pursuant to lawfully adopted comprehensive and master plans, as such authority has been vested in such municipalities through the New York State Municipal Home Rule Law, and

BE IT FURTHER RESOLVED, that this memorializing resolution opposing the "faith-based affordable housing shall be certified by the Town Clerk and delivered to the Speaker of the New York State Assembly, the President of the New York State Senate, and the Governor of the State of New York.

4. **HOME RULE / ORANGETOWN COMMUNITY PRESERVATION FUND / 2025**

WHEREAS, the Town Board is desirous to establish a Community Preservation Fund, which will establish a one-time real estate transfer tax on any home purchase in the Town of Orangetown, and

WHEREAS, this preservation fund will enable the Town to collect up to $\frac{3}{4}$ of a percent tax on any home purchase in the Town of Orangetown with an exemption of \$100,000 for improved real property, and

WHEREAS, the Town will use the preservation fund as a necessary tool to preserve Orangetown's character and environment by acquiring properties with exceptional scenic value, threatened ecological areas, historical significance, and waterways, including those properties for open space and recreational use, and for properties that are at-risk, and

WHEREAS, the Town will also accept gifts of land and funds not to be transferred into any other account and that fund will be monitored by an advisory board chosen by the Town Board to review and make recommendations on proposed acquisitions, and

WHEREAS, special legislation has been drafted for submission to the NYS Senate by Senator Weber identified as Senate Bill S6338, a copy of which is annexed hereto and incorporated by reference herein, and

WHEREAS, special legislation has been drafted for submission to the NYS Assembly by Assemblyman Wieder identified as Assembly Bill A6097, a copy of which is annexed hereto and incorporated by reference herein, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Orangetown hereby requests and approves the submission of a Home Rule Request for the enactment of special state legislation, in the form of Senate Bill S6338 as set forth above and entitled "AN ACT to amend the town law, in relation to authorizing the town of Orangetown, County of Rockland to establish community preservation funds; to amend the tax law, in relation to authorizing the town of Orangetown to impose a real estate transfer tax with revenues therefrom to be deposited in said community preservation fund; and providing for the repeal of certain provisions upon expiration thereof" and its matching Assembly bill of the same title and identified as Assembly Bill A6097 authorizing the Town to establish a community preservation fund as more fully described therein; and

BE IT FURTHER RESOLVED, that the Town Supervisor and Town Clerk are authorized to execute and transmit all documents that may be necessary to effectuate this home rule request.

5. **AUTHORIZATION FOR A SECOND AMENDMENT TO CONTRACT OF SALE / PURCHASE OF REAL PROPERTY LOCATED AT 149-157 PIERMONT AVE., S. NYACK, NEW YORK / LIVING CHRIST CHURCH**

WHEREAS, the Town Board by resolution No. 2024-328 adopted on June 25, 2024, the Town Board authorized the Supervisor to execute Contract of Sale (“Contract”) with the LIVING CHRIST CHURCH OF THE CHRISTIAN AND MISSIONARY ALLIANCE, INC. f/k/a SIMPSON MEMORIAL CHURCH, Inc. (the “Seller”) for the Town to purchase a certain parcel of real property located in the Town of Orangetown, County of Rockland, and State of New York, containing approximately 6.5 acres, and having the Tax Map Identification Number: 66.54-2-11 (the “Property”), under terms and conditions set forth more fully in the Resolution; and

WHEREAS, the Resolution was subject to permissive referendum, which was duly advertised by the Town Clerk as required by law, and said Resolution took effect thirty days after its adoption, since no petition seeking a referendum was filed with the Town Clerk and the Contract having been fully executed by the parties as of July 31, 2024, and

WHEREAS, on February 25, 2025 the Town Board, in Resolution No. 2025-120 authorized the Town Supervisor to execute a First Amendment to Contract of Sale recognizing that the Seller was undertaking to have further tests conducted at the property by Castlton Environmental Consultants, LLC (Castlton) with respect storage tanks, and the Town agreed that the Seller was authorized to use part of the down payment to pay for the costs of said testing, with the Town receiving a credit in the purchase price at closing, and

WHEREAS, as a result of the aforesaid testing by Castlton, certain remedial measures at the site are necessary, for which Castlton has provided a proposal to the seller to address and for which the seller is ultimately responsible for the cost of such remedial measures, and

WHEREAS, it is in the best interests of the Town and the parties have agreed for the remedial measures to be addressed prior to closing of the matter, and the seller has requested that the Town submit an additional down payment in the amount of \$100,000.00, which seller shall be authorized to access so that seller can undertake the remedial measures, with the purchase price being reduced by any amounts of the down payment being used for such testing and remedial measures, and which agreement is to be memorialized by a Second Amendment to the Contract setting forth the terms and conditions of such additional testing, payments and credits, as well as extension of certain time periods in the Contract, which terms are set forth more fully in the proposed Amendment, and

NOW THEREFORE BE IT RESOLVED that the Supervisor for the Town of Orangetown (the “Supervisor”) or her designee is hereby authorized to execute the Second Amendment to the Contract of Sale as proposed, on the terms and conditions detailed therein; and to take any such actions, including but not limited to the execution of documents, as are necessary to implement the terms and conditions of said Second Amendment to Contract of Sale.

6. **ACCEPT DELEGATION/ASSIGNMENT TO DETERMINE DISCIPLINARY MATTER
RE: EMPLOYEE NO. 4153**

WHEREAS, pursuant to Section 75 of the New York Civil Service Law, a person holding a position by appointment in the classified service of a municipality shall not be removed or otherwise subjected to any disciplinary penalty under that section except for, as applicable here, misconduct shown after a hearing upon stated disciplinary charges and specifications preferred against him or her; and

WHEREAS, the Town of Orangetown filed a Notice of Discipline against Employee No. 4153 on April 3, 2024, which contained five (5) disciplinary charges; and

WHEREAS, pursuant to Section 75 of the New York Civil Service Law, a disciplinary hearing was held on November 13, 2024, and continued on December 12, 2024, before Hearing Officer William E. Sherwood, as designated by the Town Board of the Town of Orangetown, to determine the guilt or innocence of such employee, and if appropriate, recommend penalty to the Superintendent of Highways; and

WHEREAS, via internal memorandum, dated March 24, 2025, Superintendent of Highways issued a Notice of Delegation/Assignment to the Town Board to possess full power, obligation and authority to consider and review the record and Hearing Officer's determinations/recommendations, and to issue a final and binding determination, and if appropriate, assignment of penalty.

WHEREAS, the Town Board acknowledges, affirms and accepts the designation and assignment of the Superintendent of Highway to make a determination, and if appropriate, assignment of penalty in the Employee No. 4153 disciplinary matter; there be it

RESOLVED, that the Town Board acknowledges, affirms and accepts the designation and assignment from the Superintendent of Highway to make a determination, and if appropriate, assignment of penalty in the Employee No. 4153 disciplinary matter; the Town Board will consider and review the record, including the Hearing Officer's findings and recommendations, and will issue a determination, and if appropriate, a penalty.

7. **SET PUBLIC HEARING / APRIL 22, 2025 AT 7:05 PM / AMEND ORANGETOWN
TOWN CODE CHAPTER 14B, ENTITLED FLOOD DAMAGE PREVENTION**

RESOLVED that the Town Board will hold a public hearing on April 22, 2025 at 7:05 p.m., on a proposed Local Law repealing all provisions of Orangetown Town Code Chapter 14B, entitled Flood Damage Prevention, and replacing same with new provisions as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36.

HIGHWAY

8. **APPROVE/ PERMISSION TO ATTEND/ 2025 NYSAOTSOH HIGHWAY SCHOOL**

RESOLVED, that permission is hereby granted for the following personnel: Jim Dean, Stephen Munno, Michael Donahue and Brian DeBonis, to attend the 2025 Association of Towns Annual Highway School, Ithaca, NY, from June 2 -4, 2025, with the Town

paying \$1,739.00 which includes the cost of courses and travel to be charged to appropriate departmental accounts.

9. **AWARD CONTRACT/ FRANKLIN AVENUE CURB AND SIDEWALK IMPROVEMENT PROJECT/ DS MEYER ENTERPRISES**

WHEREAS, the Commissioner of the Department of Environmental Management and Engineering and the Superintendent of Highways duly advertised for sealed bids for Franklin Avenue Curb and Sidewalk Project, which were received and publicly opened on January 30, 2025; and,

NOW, THEREFORE, BE IT RESOLVED, upon the recommendation from the Commissioner of the Department of Environmental Management and Engineering and the Superintendent of Highways, the Town Board hereby awards the bid to DS Meyer Enterprises, Waldwick, NJ, the lowest responsible bidder on the best value evaluation basis, in the amount of \$132,574.00 to be charged to H.5410.208.

10. **RESOLUTION TO APPROVE / AGREEMENT / HVEA / CONSTRUCTION SUPPORT AND INSPECTION SERVICES / PIN 8762.34 MOUNTAINVIEW AVENUE OVER THE SPARKILL CREEK CULVERT REPLACEMENT PROJECT**

WHEREAS, via Town Board Resolution #70 the Orangetown Town Board approved the Mountainview Avenue Over Sparkill Creek Culvert Replacement Project; and,

WHEREAS, the sum of \$1,500,000.00 has been appropriated from H.5111.200.24 and made available to cover the cost of participation in the Construction and Construction Support and Construction Inspection of the Mountainview Avenue Over Sparkill Creek Culvert Replacement Project; and further,

WHEREAS, the Town of Orangetown Solicited for the Construction Support and Inspection Services for the Project, and further

WHEREAS, the Town of Orangetown reviewed and rated the three respondent Consulting firms and interviewed two Consulting firm finalists.

NOW, THEREFORE, BE IT RESOLVED, that the Orangetown Town Board hereby approves and authorizes execution of the agreement with Hudson Valley Engineering Associates (HVEA) for the Construction Support and Inspection Services for the Mountainview Avenue Over the Sparkill Creek Replacement Project (8762.34), at a cost of \$342,195.65, pursuant to a written proposal, dated March 10, 2025, incorporated herein by reference and to be filed in the Town Clerk's Office, charged to Account # H.5111.200.24.

BE IT FURTHER RESOLVED, that in addition to the Supervisor, the following municipal titles: Highway Superintendent, Commissioner of DEME, and the Director of Finance, are also hereby authorized to execute any necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the Town of Orangetown/Sponsor, with NYSDOT in connection with the advancement or approval of the Project.

PARKS AND RECREATION

- 11. AMEND RESOLUTION NO. 269/2023 APPOINT MICHAEL MAIORANO / SENIOR GROUNDWORKER / PROBATIONARY / EFFECTIVE MAY 15, 2023 / PARKS AND RECREATION**

RESOLVED, Resolution No.269/2023 is hereby amended, changing salary step, upon the recommendation of the Superintendent of Parks and Recreation, appoint Michael Maiorano to the position of Senior Groundworker, probationary, Grade 13, Step 25/29, at a salary of \$106,032, effective May 15, 2023.

POLICE

- 12. APPROVE INTERMUNICIPAL AGREEMENT / BETWEEN THE COUNTY OF ROCKLAND AND THE TOWN OF ORANGETOWN/ PARTIAL REIMBURSEMENT FOR COUNTERTERRORISM TRAINING / 2021-2022**

WHEREAS, the County of Rockland wishes to financially assist the Town of Orangetown in its law enforcement overtime related to counterterrorism training; and,

WHEREAS, the County of Rockland, pursuant to its Resolution No. 94 of 2025 has provided funds for this intermunicipal agreement (IMA); and,

WHEREAS, the Town Board finds and determines that it is in the public interest to enter into an IMA for partial reimbursement for counterterrorism training; and,

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby approves the IMA between the County of Rockland and the Town of Orangetown as set forth in the County's Resolution No. 94 of 2025 with respect to partial reimbursement for law enforcement overtime related to counterterrorism not to exceed thirty thousand dollars (\$30,000), and authorizes the Supervisor or her designee to execute the IMA and any and all documents necessary to effectuate same. The aforesaid IMA shall remain in full force and effect from September 1, 2021 – August 31, 2022.

- 13. GRANT PERMISSION/ POLICE DEPARTMENT / ADVANCED CRISIS NEGOTIATION COURSE / STATE PREPAREDNESS TRAINING CENTER (SPTC) ORISKANY NY**

RESOLVED, that the Town Board hereby grants permission to send one Town of Orangetown Police Officer to attend the Advanced Crisis Negotiation Course as a member of the Rockland Entry and Counterterrorism Team (REACT) in Oriskany, NY from April 2-3 2025 at no cost for the course or lodging to the town.

FINANCE

- 14. APPROVE/2024 FINAL BUDGET LINE ADJUSTMENTS**

RESOLVED, that based upon the recommendation of the Finance Director, the Town Board hereby approves the following 2024 final Budget line adjustments attached as an exhibit.

15. APPROVE/THE RELEASE OF COMMITTED FUND BALANCE INTO RESTRICTED CAPITAL FUND BALANCE

RESOLVED, that based upon the recommendation of the Finance Director, the Town Board hereby approves the release of \$ 66,889 that was committed to a pre- 2005 capital project, that has since been closed, into Restricted Fund Balance within the Capital Projects Fund.

16. GRANT PERMISSION/ATTEND NY GOVERNMENT FINANCIAL OFFICER'S ASSOCIATION (NYGFOA) ANNUAL CONFERENCE/BENCIK, GANLEY, TASSELLO

RESOLVED, upon the recommendation of the Director of Finance, Jeffrey Bencik, that permission is granted to Jeffrey Bencik, Director of Finance, Janice Ganley, Supervisor of Fiscal Services and Stephanie Tassello, Principal Account Clerk to attend the NYGFOA annual conference in Albany, NY, April 2-4, 2025 at a cost of \$3,305. Conference fees of \$1,390 charged to A.1310.441 and lodging and travel cost of \$1,915 charged to A.1310.480.

LEND ASSISTANCE

17. COMBINE / APPROVE AGENDA ITEMS #18 TO 20

RESOLVED, the Town Board hereby combines and approves agenda items #18 to 20.

18. APPROVE / LEND ASSISTANCE / ROCKLAND GAA/ MEMORIAL 5K RUN / SATURDAY, MARCH 29, 2025

RESOLVED, that the Superintendent of Highways and Chief of Police have forwarded for approval by the Town Board, use of cones 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 29, 2025 from 8am-1pm.

19. APPROVE/ LEND ASSISTANCE /2025 GRAN FONDO NY RACE / SUNDAY, MAY 18, 2025

RESOLVED, upon the recommendation of the Superintendent of Highways and Parks and Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of cones, barricades, barrels and detour signs from the Highway Department, the approval of the use of the Rail Trail from the Parks Dept., and traffic control from the Police Dept., for the Gran Fondo NY Race on Sunday, May 18, 2025 from 8am-3pm.

20. **APPROVE / LEND ASSISTANCE / PEARL RIVER MEMORIAL DAY PARADE / MAY 26, 2025**

RESOLVED, that upon the recommendation of the Superintendent of Highways and the Chief of Police, that the Town Board hereby authorizes the above departments to lend assistance which includes the use of barricades, from the Highway Department and bagging of the parking meters, and auxiliary police detail from the Police Department, for the Pearl River Memorial Day Parade to be held on Monday, May 26, 2025 from 9:45 am - 11:45 am.

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 three (3) warrants (attached) for a total of **\$2,209,570.64**.

EXECUTIVE SESSION

22. **ENTER EXECUTIVE SESSION**

RESOLVED, at _____ pm, the Town Board entered Executive Session to discuss matters relating to personnel.

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: