



**TOWN OF ORANGETOWN
TOWN BOARD MEETING MINUTES
April 27, 2021**

This meeting was opened at 7:00 PM. Supervisor Teresa M. Kenny presided and Joseph Thomassen, Deputy Clerk called the roll.

Present were:

Councilperson Thomas Diviny
Councilperson Paul Valentine
Councilperson Denis Troy
Councilperson Jerry Bottari
Supervisor Teresa M. Kenny

Also Present:

Allison Kardon, Supervisor's Confidential Assistant
Carmel Reilly, Director of Economic Development & Tourism
Joseph Thomassen, Deputy Clerk
Robert Magrino, Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Jane Slavin, Director of OBZPAE
Eamon Reilly, Commissioner of DEME
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.
Bob (Roberto) Urban, Human Resource Coordinator
Matthew Lenihan, Computer Network Specialist
Brendan Carton, IT Department
Donald Butterworth, Police Chief

Pledge of Allegiance to the Flag

ANNOUNCEMENTS:

James J. Dean, Recipient of the 2021 Distinguished Service to Public Works Award from the American Public Works Association. This is regarded as the highest honor that the National APWA can bestow on a member in recognition of acknowledged service and preeminence in the field of public works.

**May 01, 2021 (Saturday) 8 AM - 11:30 AM - FREE Shredding Event at Orangetown Town Hall held by the Town Clerk's Office. WE WILL ALSO BE ACCEPTING NON-PERISHABLE FOODS OR DONATIONS FOR PEOPLE TO PEOPLE / No Businesses
Limit of Three (3) Boxes**

Public Informational Meeting for the Orangetown Commuter Parking Facility Project in Sparkill, NY / May 5, 2021 at 6 pm / Meet at the Parking Lot of the Palisades Sparkill Baseball League across from the American Legion at 620 Route 340 in Sparkill

PRESENTATIONS:

Certificate of Recognition presented to Caroline Dupas of Pearl River, NY / "Best Delegate" in the Virtual Dartmouth Model United Nations Conference representing The Academy of the Holy Angels, Demarest, NJ

Update on Orangetown Filming (Exhibit 04-B-21)

CPLA Architect Presentation on Sparkill CS/Overlay District – Sparkill Mews (Exhibit 04-C-21)

DISCUSSION:
WORKSHOP OF AGENDA ITEMS

RESOLUTION NO. 171
OPEN PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby opened.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Denis Troy and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy,
Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

Summary of Public Comments:

Sparkill CS/Overlay District – Sparkill Mews, 639 Main St., Sparkill, NY

Dennis Whitten, Rose C., Tom Phelan, Nick Turner for Simon Basner, Zacha Fuster Sparkill, are in favor of a little change, keeping with the charm of this hamlet, but parking is a concern.

Paula Heitman, Martha Schindele, Marilyn Heitman, Susan Turner, Jen McConnell, Ally Carney, Robin Springer, Sparkill, and Vanessa Lapins Blauvelt & (CUPON), are against any high density developments in Sparkill. Any development needs to compile with zoning laws. Paulding Place is considered a paper gravel narrow road and it will become a thoroughfare. They are concerned about emergency response and parking.

Judy Bivona & Pat Carney Sparkill, are concerned about the elevation, increase in utilities, drainage, setting a bad precedent and not keeping with the existing character.

Debra Kindley, Sparkill, has environmental concerns.

Teresa Marsico, Sparkill Business Owner, is concerned about parking and the integrity of the hamlet.

Laura Cronin, and Eve Mallard Sparkill want thoughtful development. They are opposed to this high density and are concerned about parking.

Jeremy Bater, Sparkill, supports this development, if it is actually built like this presentation states.

Jacob Tanenbaum, Tappan, thanked the Town Board for authorizing three speed tables on Livingston Street.

Brian Coleman, Pearl River, complained about the Building Dept. and the Zoning Board regarding his unpleasant interactions with them.

RESOLUTION NO. 172
CLOSE PUBLIC COMMENT PORTION

RESOLVED, that the public portion is hereby closed.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 – 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy,
Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 173
REFERRAL / PLANNING BOARD / REVIEW PROPOSED ZONE CHANGE / GATTO LANE, PEARL RIVER

WHEREAS, Toll Brothers, Inc. has filed a petition with the Town Board for a zone change of certain property located on Gatto Lane in Pearl River, Tax Lot 68.20-2-1 from R-40 to

RESOLUTION NO. 173 - Continued

R-15, for purposes of seeking to develop the property under the Town’s Planned Adult Community (PAC) Zone, and

WHEREAS, before making a determination as to whether to accept the petition and schedule a public hearing thereon, the Town Board wishes to have the proposed zone change reviewed by the Planning Board for its comment on the proposed zone change and PAC designation, including review by a professional planner for their review and comment, and

WHEREAS, the applicant has been advised of this review and having agreed to same,

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby requests that the Town Planning Board review the proposed zone change referenced herein prior to the Town Board making a determination as to whether it wishes to formally accept and hear the petition, and the applicant is directed to pay to the Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE), the sum of \$3,500.00 to be held in escrow for purposes of sending the matter to a professional planner for review, comment and analysis for the Town, which services are to be paid by the applicant from the funds held in escrow.

Councilperson Denis Troy offered the above resolution, which was seconded by Councilperson Jerry Bottari and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 174

SET PUBLIC HEARING / MAY 25, 2021 AT 7:05 PM / PROPOSED AMENDMENT TO CHAPTER 39, ARTICLE I, SECTION 39-8, STOP INTERSECTIONS, OF THE TOWN CODE

RESOLVED that the Town Board will hold a public hearing on May 25, 2021, at 7:05 p.m., on a proposed Local Law Amending Chapter 39, Vehicles and Traffic, Article I, Vehicle and Traffic Regulations, Section 39-8(A) Stop Intersections in the Hamlet of Pearl River, with respect to the addition of a stop intersection at Orangeburg Road at Old Middletown Road in the Town of Orangetown.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 175

APPOINT ROBERTO URBAN / HUMAN RESOURCES COORDINATOR (TOWNS) - PROVISIONAL / EFFECTIVE APRIL 26, 2021

RESOLVED, the Town Board hereby appoints ROBERTO URBAN to the position of Human Resources Coordinator (Towns) - Provisional, effective April 26, 2021, at a salary of \$100,000.00.

Councilperson Denis Troy offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 176
AWARD BIDS / MORANO BROTHERS CORP. / NORTH MIDDLETOWN ROAD
PEDESTRIAN LINK PROJECT PIN 8780.54**

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for the North Middletown Road Pedestrian Link Project, PIN 8780.54 contingent upon approval of the New York State Department of Transportation, which were received and publicly opened on April 1, 2021; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 04-D-21, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, that this bid is hereby awarded to Morano Brothers Corp. the low bidder in the amount of \$2,153,064.40

BE IT FURTHER RESOLVED, that the Supervisor or her designee is authorized to enter into an agreement with Morano Brothers Corp., in accordance with the bid award and terms of this resolution, subject to review and approval of the Town Attorney's Office.

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Denis Troy and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 177
AWARD BID / INDUSTRIAL SERVICE UNIFORM / AMERICAN WEAR INC.**

WHEREAS, the Superintendent of Highways duly advertised for sealed bids for Industrial Service Uniforms, which were received and publicly opened on April 15, 2021; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 04-E-21, and made a part of these minutes. Now, Therefore, Be It

RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby awards this bid to American Wear Uniforms, East Orange, N.J., the only bidder, at a price of \$1.87 per employee, per week for a two (2) year contract period.

BE IT FURTHER RESOLVED, that the Supervisor or her designee is authorized to enter into an agreement with American Wear Inc., in accordance with the bid award and terms of this resolution, subject to review and approval of the Town Attorney's Office.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

**RESOLUTION NO. 178
APPROVE / AGREEMENT / THE NOBLE NINTH INC / USE OF NOBLE NINTH'S
PICNIC GROUNDS / ORANGETOWN 2021 SUMMER DAY CAMP**

RESOLVED, upon receipt of all necessary paperwork, the Superintendent of Parks & Recreation has forwarded for signature by the Town Supervisor, The Letter of Extension Agreement with The Noble Ninth Inc, dated April 7, 2021, for use of the Noble Ninth's picnic grounds for the Town of Orangetown's 2021 Summer Day Camp from July 5 through August 13, 2021 under the same terms and conditions as set forth in a certain agreement entered into between the Town of Orangetown and the German Masonic Home Corporation dated, May 18, 1991 as received and filed in the Town Clerk's Office.

RESOLUTION NO. 178 - Continued

Councilperson Jerry Bottari offered the above resolution, which was seconded by Councilperson Denis Troy and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 179

AUTHORIZE / THREE SPEED TABLES / LIVINGSTON STREET, TAPPAN

RESOLVED, that upon the recommendation of the Traffic Advisory Board and Technical Traffic Advisory Committee, after an evaluation in accordance with the Orangetown Neighborhood Traffic Calming Program, the Town Board authorizes the Highway Department to install three speed tables with appropriate signage on Livingston Street in Tappan at a cost of \$3,000 for materials and \$5,739 for labor to be paid from the following budget line item A.3310.457.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 180

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 \$683,101.43.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 181

ENTER EXECUTIVE SESSION

In attendance, at this Executive Session were Supervisor Teresa M. Kenny, Councilpersons Denis Troy, Thomas Diviny, Paul Valentine and Jerry Bottari, Rob Magrino, Jeff Bencik and Bob Urban.

RESOLVED, at 8:35 pm, the Town Board entered Executive Session to discuss the proposed acquisition/sale/lease of real property when publicity might affect value.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy, Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

RESOLUTION NO. 182
RE-ENTER RTBM / ADJOURNED / MEMORY

RESOLVED, at 10:00 pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of: **Joan Ann Butler**, *Resident of Pearl River* and **John "Jack" F. O'Connor**, *Resident of Pearl River and father of Orangetown Police Officer Sean O'Connor*.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 5 - 0

Ayes: Councilperson Paul Valentine, Councilperson Thomas Diviny, Councilperson Denis Troy,
Councilperson Jerry Bottari, Supervisor Teresa M. Kenny

Noes: None

Rosanna Sfraga, Town Clerk