



## TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday December 14, 2021

This Town Board Meeting was opened at 7:00 PM.

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

### ☪ Pledge of Allegiance to the Flag

### ANNOUNCEMENTS:

- ◆ The deadline for FEMA Individual Assistance for Hurricane Ida has been extended to January 4, 2022. Please visit [DisasterAssistance.gov](https://www.disasterassistance.gov) or call the FEMA Helpline at 800-621-3362.

### PRESENTATIONS:

- ◆ Assemblyman Mike Lawler presentation in honor of Councilman Denis Troy
- ◆ Raymond W. DeMeola VFW Memorial Post 1615 of Blauvelt presentation in honor of Councilman Denis Troy
- ◆ Superintendent of Highways, Jim Dean presentation in honor of Denis Troy
- ◆ Town of Orangetown presentation in honor of Councilman Denis Troy

### 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. CIRCULATE PETITION / SEQRA/GML REVIEW AMENDMENT / PROPOSED LOCAL LAW / RE-SCHEDULE PUBLIC HEARING**

**WHEREAS**, pursuant to Town Board Resolution 2021-\_\_\_\_ the Town Board accepted the petition of the owner of premises located at 68 Sickletown Road, Orangeburg, New York, (Tax lot 69.19/1/6), the Van Houten Farm Market Benefit Trust (Petitioner), which petition requested the Town Board to amend the Town Code to permit “agricultural activities and agri-tourism” in an R-80 and R-40 zoning district, and provide for definitions thereof; and

**WHEREAS**, the Town Board scheduled a public hearing on the proposal for December 14, 2021, and

**WHEREAS**, by letter dated November 30, 2021, the Petitioner has since revised its petition to request the Town Code be amended to make “agricultural activities and agri-tourism” uses in an R-80 and R-40 zoning district by special permit, and

**WHEREAS**, upon preliminary review, the Town Board hereby accepts the petition as revised and wishes to proceed with its consideration of the proposed action, toward which end it wishes to commence the environmental review process, as well as review by other interested agencies; and

**WHEREAS**, upon review of the Petition as revised, and Part One of a Full Environmental Assessment Form prepared by the petitioner, 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:
  - Town of Orangetown Planning Board;
  - Rockland County Department of Planning;
  - Rockland County Highway Department

**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 Petition as revised and a proposed Local Law, amending the Town Zoning Map, 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 and pursuant to §10.51A shall retain the services of a professional planner to provide a report and recommendations on the proposal, the fees for which shall be reimbursed by the applicant, and

**BE IT FURTHER RESOLVED**, that the Public Hearing on the petition by Van Houten Farm Market Benefit Trust, the owner of property located at 68 Sickletown Road, Orangeburg, New York (Tax Lot 69.19/1/6), as since revised, for consideration of a proposed Local Law, amending Chapter 43, Article XI, Definition and Word Usage, by inserting definitions of “agricultural operations” and “agri- tourism”, and Article III, Use and Bulk Tables for R-80 (and as applied to R -40), column 6 Uses by Special Permit, to authorize agricultural and agri-tourism as a use by Special Permit, and column 6, minimum required off street parking for agricultural and agri-tourism, that was scheduled for December 14, 2021 at 7:05 pm. is hereby re-scheduled to Tuesday February 1, 2022 at 7:05 p.m.

4. **ADOPT / 2022 TOWN BOARD MEETING CALENDAR**

**RESOLVED**, that the following 2022 Town Board Meeting Calendar is hereby approved:

01/04/22 Re-Organizational Meeting  
01/18/22 Police Commission / Regular Town Board Meeting  
02/01/22 Police Commission / Regular Town Board Meeting  
02/15/22 Regular Town Board Meeting  
03/08/22 Police Commission / Regular Town Board Meeting  
03/22/22 Regular Town Board Meeting  
04/12/22 Police Commission / Regular Town Board Meeting  
04/26/22 Regular Town Board Meeting  
05/10/22 Police Commission / Regular Town Board Meeting  
05/24/22 Regular Town Board Meeting  
06/14/22 Police Commission / Regular Town Board Meeting  
06/28/22 Regular Town Board Meeting  
07/12/22 Police Commission / Regular Town Board Meeting  
07/26/22 Regular Town Board Meeting  
08/09/22 Police Commission / Regular Town Board Meeting  
08/23/22 Regular Town Board Meeting  
09/13/22 Police Commission / Regular Town Board Meeting  
09/27/22 Regular Town Board Meeting  
10/11/22 Police Commission / Regular Town Board Meeting  
10/25/22 Regular Town Board Meeting  
11/15/22 Police Commission / Regular Town Board Meeting  
11/29/22 Regular Town Board Meeting  
12/13/22 Police Commission / Regular Town Board Meeting

Police Commission Meetings start at 6:30 pm; Town Board Meetings begin at 7:00 pm.

5. **AMEND RESOLUTION 2020-19 TO AUTHORIZE SUPERVISOR TO SIGN GRANT AGREEMENT WITH EFC FOR TELEMETRY UPGRADES TO THE ORANGETOWN WWTP**

**WHEREAS**, pursuant to Town Board Resolution 2020-19 the Town Board confirmed its acceptances of a NYS Water Infrastructure Improvement Grant (WIIA) from the New York State Environmental Facilities Corporation (EFC), identified as project No. C3-5345-09-00 "Telemetry Upgrades to the Orangetown WWTP" and

**WHEREAS**, the previous resolution authorized the Supervisor to sign the Grant Agreement no later than June 25, 2021 and

**WHEREAS**, NYS EFC sent the Grant Agreement for review and signature of the Town Supervisor in November, 2021,

**NOW THEREFORE, BE IT RESOLVED**, that resolution 2020-19 is hereby amended to the extent that the Supervisor or her designee is authorized to enter into and sign the Grant Agreement for the WIIA Grant on behalf of the Town before December 31, 2021.

6. **AUTHORIZE SUPERVISOR TO SIGN ENGAGEMENT LETTER FROM O'CONNOR DAVIES/ ACCOUNTING SERVICES FOR THE TOWN / CY 2021 IS \$109,900.00 PER YEAR AND CY 2022 IS \$102,900.00 PER YEAR**

**RESOLVED**, upon the recommendation of the Finance Director, the Town of Orangetown Board authorizes the Supervisor to sign a contract with O'Connor Davies to perform auditing services for the Town for CY 2021 and CY 2022. The cost of services is a 2% increase per year. In 2021, the cost is \$100,900 and in 2022 the cost is \$102,900.

7. **RETAIN LABERGE GROUP / HYBRID ZONING SOUTH NYACK**

**WHEREAS**, pursuant to NY General Municipal Law (GML) Article 17-A, the Village of South Nyack will be dissolved as of March 31, 2022, and

**WHEREAS**, according to NY GML §789, all laws of the former Village continue in effect for a period of up to two years after dissolution, and

**WHEREAS**, the Town Board finds it is in the interests of the Town to review the current Village of South Nyack Code in order to incorporate appropriate zoning and other provisions into the Town of Orangetown Code, which will be the Code that applies to the area that comprised the former Village, and

**WHEREAS**, LaBerge Group, Albany, New York, has submitted a proposal to assist the Town in review of current codes and drafting appropriate amendments to the Town Code,

**NOW THEREFORE BE IT RESOLVED** that the Town Board hereby authorizes the retention of the Laberge Group for purposes of providing professional planning services in accordance with the attached proposal, at the pro-rated cost of \$24,250.00, and that the Supervisor or her designee is authorized to execute any documents necessary to effectuate the purposes of this resolution, upon review and approval of the Town Attorney's Office.

8. **AUTHORIZE INTERMUNICIPAL AGREEMENT / VILLAGE OF SOUTH NYACK / HIGHWAY SERVICES / PURCHASE OF EQUIPMENT**

**WHEREAS**, the voters of the Village of South Nyack elected to dissolve the Village and the Village Board of the Village of South Nyack has adopted a plan for dissolution effective March 31, 2022 pursuant to General Municipal Law Article 17-A; and

**WHEREAS**, GML Article 5-G specifically authorizes and encourages municipal corporations to enter into agreements with each other in order to provide, cooperatively, jointly or by contract or agreement, any facility, service, activity or undertaking, which each participating municipal corporation has the power to provide separately; and

**WHEREAS**, the Village of South Nyack has requested that the Town of Orangetown provide highway maintenance and building and grounds related services to the Village, such as snow and ice control measures on Village streets, and services similar to those services currently performed by the Village Department of Public Works, commencing on January 1, 2022 through and including March 31, 2022 until such time as the Village dissolves, and

**WHEREAS**, the Town of Orangetown, in anticipation of ultimately providing such services to the area that comprised the dissolved Village as of April 1, 2022, and in consideration of the payment of the sum of \$82,751.00, is willing to provide such services subject to a formal written agreement between the Town and the Village and

**WHEREAS**, the Village of South Nyack has certain equipment from its Department of Public Works (see list annexed hereto) that it is selling as part of the dissolution process and the Town is desirous of purchasing same for the purpose of using same as part of its operation in providing highway related services to the Village under the proposed IMA, as well as the area comprising the former Village as of April 1, 2022, and

**WHEREAS**, the Town and Village have agreed that the amount to be paid by the Town to the Village for the subject equipment totals \$374,800.00 and the Town has agreed to pay same,

**NOW THEREFORE IT IS HEREBY RESOLVED**, that the Town Board authorizes the Town Supervisor to execute an Intermunicipal Agreement between the Town of Orangetown and the Village of South Nyack, subject to review and approval of the Town Attorney, whereby the Town of Orangetown agrees to provide highway maintenance and building and grounds services, including snow and ice control measures to the Village of South Nyack, commencing at midnight, January 1, 2022, for the sum of \$82,751.00, to be paid on or before January 1, 2022 and

**BE IT FURTHER RESOLVED** that the Town Board authorizes the purchase certain equipment from the Village of South Nyack that it is selling as part of its dissolution plan and which it is in the best interests of the Town to purchase such equipment, as set forth in the subject Intermunicipal Agreement, for the sum of \$374,800.00 and

**BE IT FURTHER RESOLVED** that the Supervisor or her designee is authorized to execute any and all documents necessary to effectuate the terms of this resolution.

9. **WAIVE 30-DAY ADVANCE NOTICE / ON-PREMISES ALCOHOLIC BEVERAGE LICENSE / UNKNOWN22 CORP.**

**RESOLVED**, that the Town Board hereby waives the 30-day advance notice to the Town of Orangetown for the on-premises alcoholic beverage license for Unknown22 Corp. d/b/a The Unknown Restaurant and Bar.

10. **EXTEND AUTHORIZATION FOR OUTDOOR DINING / SIDEWALK CAFES / EXTEND RESOLUTION 2020-249; 2020-539; 2021-243**

**WHEREAS** on June 2, 2020 pursuant to Town Board Resolution 2020-249, the Town Board, in response to the economic recovery as a result of the COVID-19 crisis and pursuant to the authority prescribed in Chapter 6-5(F) of the Orangetown Code, authorized the Director of OBZPAE to waive, modify, and adjust certain requirements of Chapter 31B regarding Sidewalk Cafes and Vending, and to suspend enforcement of the zoning regulations and requirements or land use restrictions to obtain an Outdoor Dining Permit, and to maintain required off-street parking for outdoor dining, at a lawful restaurant and food service establishment, and to issue a Temporary Outdoor Dining Permit and

**WHEREAS**, on December 15, 2020 pursuant to Town Board Resolution 2020-539, the Town Board extended the temporary suspension of Section 31B of the Town Code and authorized the Director of OBZPAE to issue Temporary Outdoor Dining permits through and including December 31, 2021, subject to the same terms and conditions of Town Board Resolution 2020-249, and

**WHEREAS**, the COVID-19 crisis and the economic recovery therefrom continues to impact the residents and businesses of the Town of Orangetown and the authorization for outdoor dining and sidewalk cafes have provided relief to the businesses in the Town of Orangetown will providing patrons an opportunity to socialize in a safe setting in accordance with the Governor's guidelines for operations of dining facilities during the COVID-19 crisis,

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby extends the temporary suspension of Section 31B as set forth in Town Board Resolution 2020-249, 2020-539, and 2021-243 and authorization to the Director of OBZPAE to issue Temporary Outdoor Dining Permits through and including December 31, 2022, subject to all of the terms and conditions as set forth in Resolution 2020-249, 2020-539 and 2021-243, regardless of previous or future capacity restrictions imposed by the State of New York.

**BE IT FURTHER RESOLVED**, that notwithstanding the foregoing, the combined occupancy of the indoor and outdoor dining for businesses operating under the Temporary Dining Permit, shall not exceed the occupancy limits for the premises related to life safety issues such as fire safety matters and sanitary facilities. Any violation of the terms of the Temporary Outdoor Dining permit as set forth herein shall subject the holder of such Permit to revocation as provided in Resolution 2020-249 and Section 6-5(F) of the Town Code.

**TOWN ATTORNEY**

**11. ACCEPT ROAD WIDE WIDENING DEED 527-529 Route 303 BLAUVELT / FISKE RESUBDIVISION**

**RESOLVED**, upon recommendation of the Town Attorney’s Office, the Department of Environmental Management and Engineering, and the Superintendent of Highways, the Town hereby accepts a quitclaim deed for road widening for the Fiske Industries Resubdivision, 527-529 Route 303 Orangeburg, New York, tax lot 70.19-1-40, from the current owner, 33 Twin Avenue Corp., which offer of a road widening deed had been previously submitted and approved, but not recorded in the Rockland County Clerk’s Office, and authorizes the Supervisor or her designee to execute any and all documents necessary to effectuate acceptance and recording thereof

**HIGHWAY**

**12. APPROVE/ LEND ASSISTANCE / VOLUNTEER FIRE ASSOCIATION OF TAPPAN / HOLIDAY DRIVE- THRU EVENT**

**RESOLVED**, upon the recommendation from the Superintendent of Highways, that the Town Board hereby authorizes this department to lend assistance which includes the use of barricades, cones, trash bins and (2) message boards from the Highway Department for the Volunteer Fire Association of Tappan’s Holiday Drive- Thru Event to be held on Saturday, December 18, 2021 from 4:30pm-7:30pm.

**13. APPROVE / AWARD BID / TRIUS INC. / ONE (1) NEW DUMP BODY**

**RESOLVED**, that upon the recommendation of the Superintendent of Highways, award the bid for One (1) New Dump Body to Trius Inc., Bohemia, New York in the amount of \$63,698.00 to be charged to account # H.5130.200.08.

**PARKS AND RECREATION**

**14. ACCEPT / ORANGETOWN METROS SOCCER CLUB / IMPROVEMENT TO YOUTH SOCCER COMPLEX**

**RESOLVED**, pursuant to the agreement between the Town of Orangetown and OMSC, the Town Board accepts from OMSC the following improvements at the Orangetown Soccer Complex:

Flagpoles	\$	4,772.00
Refrigerator and Kitchen Pre table w Fridge	\$	7,230.00
Chain Link Fence	\$	4,250.00
Lighting around clubhouse	\$	10,000.00
Lighting around clubhouse	\$	2,495.00
Lighting Parts/Services	\$	6,200.00
Clubhouse repairs / Kitchen	\$	12,542.00
Clubhouse repairs / Kitchen	\$	5,227.00
Clubhouse repairs / Kitchen	\$	5,070.00

Clubhouse repairs / Kitchen	\$	3,138.00
Architectural services (club store)	\$	4,000.00
Install pavers back and side of building	\$	10,743.00
	\$	3,100.00
<b>Fiscal 2019 Total</b>	<b>\$</b>	<b>78,767.00</b>
Field Light upgrades / replacements	\$	4,842.00
Replace Barn Door, Upgrade lights in clubhouse to LED	\$	14,958.00
Upgrade public bathrooms at field level	\$	9,480.00
Upgrade bathroom faucets / window blinds	\$	381.00
<b>Fiscal 2020 Total</b>	<b>\$</b>	<b>29,661.00</b>

**15. ACCEPT DONATION / MEMORIAL BENCHES**

**RESOLVED**, that upon the recommendation of the Superintendent of Parks and Recreation, the Town Board accepts, with gratitude, the donation of Memorial Benches to be placed at various locations, engraving will be as follows:

In memory of our Dear friends  
deceased members of the Celtic Golf Club  
At dheis De' go raibh a n-anamacha uaisle  
May they rest in peace.

Our favorite park.  
Enjoy. Compliments of Robert and June Hudson 2022

In loving memory of  
Mary & Phil Angelastro

In Memory of Walter Hollinger  
Friend-Sailing buddy-Colleague

**POLICE**

**16. AWARD BID / FURNISHING OF POLICE DEPARTMENT UNIFORMS / 2022-2023 / D & E UNIFORMS**

**RESOLVED**, that upon the recommendation of the Chief of Police, D & E UNIFORMS is hereby awarded the bid for furnishing of Police Department uniforms for 2022 -2023.

**17. AWARD BID / DRY CLEANING, LAUNDERING, MINOR SEWING AND REPAIRS / POLICE DEPARTMENT UNIFORMS / 2022 - 2023 / THE WASHING BOARD**

**RESOLVED**, that upon the recommendation of the Chief of Police, accept the bid from THE WASHING BOARD, Pearl River, for dry cleaning, laundering, minor sewing and repairs for the Police Department uniforms, 2022 - 2023.



18. **ACCEPT WITH REGRET THE RESIGNATION/RETIREMENT / CAPTAIN JAMES BROWN / ORANGETOWN POLICE DEPARTMENT / EFFECTIVE DECEMBER 10, 2021**

**RESOLVED**, that upon the recommendation of the Chief of Police, accept with regret, the resignation/retirement of Captain James Brown from the Orangetown Police Department effective December 10, 2021.

19. **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, as part of the Law Enforcement Diversion (LEAD) program, which provides a screen for Peer Recovery involvement of eligible offenders, which assignment has been previously authorized, 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 participate with the County of Rockland in this program and assign a Detective to the Rockland County Drug Task Force, for which the Town will be reimbursed the sum of \$30,000.00 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 478 of 2021 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 \$30,000.00, for the time period of January 1, 2022 through December 31, 2023,; 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 / POLICE**

20. **APPROVE/ LEND ASSISTANCE /AMERICAN LEGION & TAPPAN REFORMED CHURCH ANNUAL CHRISTMAS TREE LIGHTING**

**RESOLVED**, upon the recommendation from the Superintendent of Highways and the Chief of Police that the Town Board hereby authorizes these departments to lend assistance which includes the use of barricades, trash barrels and a message board from the Highway Department and Auxiliary Police Detail from the Police Department for the American Legion & Tappan Reformed Church Annual Christmas Tree Lighting, to be held on Sunday, December 19, 2021 from 3pm- 6pm.

## **FINANCE**

### **21. REOPEN SECTION 384-d RETIREMENT AND SOCIAL SECURITY LAW / POLICE PENSIONS**

**WHEREAS**, pursuant to Town Board Resolution 2021-236 the Town Board requested and approved the submission of a Home Rule Request for the enactment of special state legislation, in the form of Senate Bill S 7169 entitled "AN ACT to authorize the town of Orangetown to offer a certain retirement option to Orangetown police officers Patrick J. Casey, Elizabeth M. Muckell and Keith E. Trojan" and its matching Assembly bill of the same title and identified as Assembly Bill A 7444 authorizing the Town to elect to make participation available and reopen the provisions of 384-d together with section 384-e of the New York Retirement and Social Security Law for police officers Patrick J. Casey, Elizabeth M. Muckell and Keith Trojan, and

**WHEREAS**, said legislation was adopted into law by the State of New York as Chapter 544 of the Laws of 2021,

**NOW THEREFORE BE IT RESOLVED** that the Town Board of the Town of Orangetown does hereby elect to reopen Section 384-d of the Retirement and Social Security Law, pursuant to Chapter 544 of the Laws of 2021.

## **TOWN CLERK**

### **22. 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: 10/12/21 & 11/9/21 Police Commission Meetings; and 10/12/21, 10/26/21, 11/9/21 & 11/30/21 Regular Town Board Meetings.
2. Agreement w/Applied Golf-Blue Hill, LLC & Applied Golf-Broadacres, LLC for Management, Operation & Maintenance of the golf courses.
3. Agreement (Amendment #1) w/Federal Emergency Management Agency (FEMA), extension for use of the Orangetown Soccer Complex.
4. Agreement with Westlaw 2022-2023 (Town Attorney)

**AUDIT**

**23. 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 two (2) warrants (attached) for a total of **\$961,798.95**.

**EXECUTIVE SESSION**

**24. ENTER EXECUTIVE SESSION**

**RESOLVED**, at \_\_\_\_\_ pm, the Town Board entered Executive Session to discuss\_\_\_\_\_.

**ADJOURNMENTS**

**25. RE-ENTER RTBM / ADJOURNED / MEMORY**

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

- ❖ **Barbara Rose Hovorka**, *Resident of Orangeburg, Grandmother of Hunter Hovorka (Orangetown Parks Department)*
  
- ❖ **Virgina Lynch**, *Resident of Blauvelt*