



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday June 28, 2022

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

Councilperson Thomas Diviny	_____
Councilperson Paul Valentine	_____
Councilperson Jerry Bottari	_____
Councilperson Brian Donohue	_____
Supervisor Teresa M. Kenny	_____

☼ Pledge of Allegiance to the Flag

ANNOUNCEMENTS:

- ◆ **Playground Grand Opening on Thursday, June 30, 2022 at 4 pm at Veterans Park in Orangeburg.**
- ◆ **July 4, 2022 Monday, 9:00 P.M. - Pearl River Parks and Activity Committee, Inc. will be Hosting Fireworks at the Pearl River Central Avenue Field.**
- ◆ **The Public Hearing on the Proposed Zone Change for the Gatto Lane Property is continued to July 12, 2022.**

PRESENTATIONS:

- ◆ **Harry Mirijanjan Re: Birdhouse Project / Cub Scout Pack Number 55 consists of over 50 local scouts from Blauvelt and South Orangetown area / They built over 100 Birdhouses and placed them throughout Orangetown.**

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. CONTINUE PUBLIC HEARING / RTBM OF JUNE 28, 2022 AT 7:05 P.M. / PROPOSED CHANGE TO THE TOWN CODE, CHAPTER 43, ADDING ARTICLE XVIII TO ADDRESS ZONING IN THE HAMLET OF SOUTH NYACK

RESOLVED, that the public hearing is hereby continued.

SUMMARY OF PUBLIC COMMENTS:

4. CLOSE PUBLIC HEARING / PROPOSED CHANGE TO THE TOWN CODE, CHAPTER 43, ADDING ARTICLE XVIII TO ADDRESS ZONING IN THE HAMLET OF SOUTH NYACK

RESOLVED, that the public hearing is hereby closed.

5. CONSIDERATION OF ADOPTION OF LOCAL LAW NO. ____ OF 2022 AMENDING CHAPTER 43 (ZONING) OF THE ORANGETOWN CODE, AND REPEALING CHAPTER 330 (ZONING LAW) OF THE FORMER VILLAGE OF SOUTH NYACK, RELATING TO THE NEW HAMLET OF SOUTH NYACK

WHEREAS, the Town Board of the Town of Orangetown (“Town” or “Orangetown”) is the duly elected legislative body of the Town, and authorized to adopt Local Laws amending the Code of the Town of Orangetown (“Orangetown Code”), including amendments to the Orangetown Zoning Code embodied in Chapter 43 of the Orangetown Code (“Zoning Code”).

WHEREAS, the Town Board has considered the adoption of amendments to the following provisions of the Zoning Code:

(a). §2.1 (Establishment of Districts) to add a new §2.2.2 to be entitled “South Nyack (SN) Hamlet District;”

(b). §2.2 (Zoning Map) to add new Zoning Districts (SN____) within the new South Nyack Hamlet District;

(c). §3.13 (Tables of General Regulations) to add a new Use and Bulk Table to be entitled “Table of Hamlet of South Nyack General Use, Bulk & Parking Regulations;”

(d). repeal §10.2 (Enforcement), §10.22 (Permits), and §10.223(g) (Applications for a permit within designated critical environmental area) and replace §10.223(g) in its entirety with new Critical Environmental Areas provisions; and

(e). add a new Article XVIII, to be entitled “Hamlet of South Nyack Supplemental Regulations,” to Chapter 43 (Zoning).

WHEREAS, the Town Board has also considered, as part of this proposed Local law, the repeal of the former Village of South Nyack’s Zoning Law (Chapter 330 of the former Village Code), and the repeal of selected former Village of South Nyack Code sections that are applicable to buildings and properties.

WHEREAS, all of the aforesaid proposed amendments and repeals, together, referred to herein as the “proposed Local Law,” which proposed Local Law is appended hereto, made a part hereof and marked as “ATTACHMENT 1.”

WHEREAS, after notice duly given, and there being no other Involved Agency, by Resolution duly adopted the 24th day of May, 2022, the Town Board assumed the role of Lead Agency, pursuant to the State Environmental Quality Review Act (“SEQRA”), for environmental review.

WHEREAS, after reviewing Part 1 entitled “Project and Setting” of the SEQRA Full Environmental Assessment Form (“EAF”) dated 02/22/2022, the EAF Part 2 entitled “Identification of Potential Project Impacts” dated 04/07/2022, and the EAF Part 3 entitled “Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance” dated 04/07/2022, all of which Parts of the EAF were prepared and recommended, on behalf of the Town Board, by David Gilmour, AICP, Senior Planner of Laberge Group, the Certified Planner retained by the Town Board, the Town Board, acting in its capacity as the SEQRA Lead Agency, hereby adopts the said Part 2 and Part 3, and incorporates them by reference as if fully set forth herein; and the Town Board determines that there will be no potential significant adverse environmental impacts resulting from the Town Board’s adoption of the proposed Local Law, thereby issuing a SEQRA Negative Declaration.

WHEREAS, following compliance with all public notice requirements as mandated by NYS statute(s) and the Orangetown Code, and distribution of the proposed Local Law to the Town Board as per NYS Municipal Home Rule Law §20(4), a Public Hearing was duly held by the Town Board regarding the proposed Local Law.

WHEREAS, the Orangetown Planning Board, by its memorandum to the Town Board, dated 06/23/2022, following due consideration at its public meeting held on 04/27/2022, offered no comments regarding the proposed Local Law, pursuant to Zoning Code §10.5.

WHEREAS, the Rockland County Department of Planning, pursuant to NYS General Municipal Law (“GML”) §239-I, et seq., reviewed the proposed Local Law and provided a GML review report to the Town Board, dated 05/12/2022, which report recommended sixteen Modifications; regarding which the Town Board hereby overrides the Modifications numbered 1, 4, 5, 6, 9, 10, 11, 13, 14, 15 and 16, for the

reasons set forth in the Memorandum of David Gilmour, AICP, dated 06/24/2022, appended hereto, made a part hereof and marked as "ATTACHMENT 2."

NOW, THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE TOWN BOARD, AND THE FINDINGS MADE HEREIN, BE IT RESOLVED, that the Town Board hereby adopts the proposed Local Law in the form and substance as appended hereto, and as may be amended herein.

6. **AUTHORIZE GRANT APPLICATION / ROCKLAND RESILIENT RECREATION GRANT PROGRAM / ROCKLAND COUNTY ARPA DEPARTMENT / PLAYGROUND / ELIZABETH PLACE PARK IN SOUTH NYACK**

WHEREAS, the Town Board has determined that it is desirable and in the public interest to undertake the necessary steps for the submittal of a grant application under the Rockland Resilient Recreation Grant program of the Rockland County ARPA Department for the purchase and installation of a new playground at Elizabeth Place Park in South Nyack; and,

WHEREAS, the Rockland Resilient Recreation Grant request will not exceed the maximum request of \$200,000 to complete the project; and,

WHEREAS, the Town Board hereby finds the Elizabeth Place Park Playground Replacement project is a Type II action under SEQRA which requires no further review with respect to SEQRA; and,

NOW THEREFORE, BE IT RESOLVED, that the Town Board authorizes and directs the Supervisor or her designee to submit an application to the Rockland Resilient Recreation Grant program of the Rockland County ARPA Department for the Elizabeth Place Park Playground Replacement project and to execute any and all documents necessary for the administrative processes of the grant program.

BE IT FURTHER RESOLVED, the Town Board agrees to fund any overages in cost, through fund balance, for the Elizabeth Place Park Playground Replacement project, not to exceed \$20,000.

7. **FIRST AMENDMENT TO PCS SITE AGREEMENT WITH SPRINT SPECTRUM (T-MOBILE) FOR NEW / REPLACEMENT ANTENNAE AND EQUIPMENT AT HIGHWAY DEPARTMENT WIRELESS / CELL TOWER, 119 ROUTE 303, ORANGEBURG**

RESOLVED, that the Town Board hereby (i) approves the "First Amendment to PCS Site Agreement" (of 12/15/1997) between the Town of Orangetown and Sprint Spectrum (now known as T-Mobile), so as to add new, and to replace existing, antennae and equipment at the Highway Department wireless communications/cell tower at 119 Route 303, Orangeburg, which First Amendment to PCS Site Agreement provides for an additional \$750.00 rent per month to be added to the current rent of \$2,439.36 per month, with annual increases of 3%, which lease/license agreement, as amended herein, shall automatically be renewed for four optional renewal terms of five years each (totaling 20 optional years), commencing on December 15, 2022; and (ii) authorizes the Supervisor to execute said First Amendment to PCS Site Agreement.

8. **AUTHORIZE AGREEMENT / NEW YORK CITY FOOTBALL CLUB ACCESS TO ORANGETOWN SOCCER COMPLEX**

WHEREAS, the Town of Orangetown is the owner of certain property located in the hamlet of Orangeburg known as the Orangetown Soccer Complex, located at 175 Old Orangeburg Road, Orangeburg, NY, and

WHEREAS, the Orangetown Metro Sports Club (OMSC), formerly known as OMM, has a license to use the facility for its sports related programs as set forth more fully in its license agreement with the Town, and

WHEREAS, New York City Football Club, LLC (NYCFC), has requested permission from the Town and OMSC to utilize a playing field at the complex during periods so as to not interfere with the use of said field by OMSC or the Town, and

WHEREAS, the Town and NYCFC have agreed that the field use under the terms presented would be at a fee of \$ 30,000.00 to be paid by NYCFC to the Town, provided NYCFC abides by the terms and conditions in a proposed written agreement for such field use,

NOW THEREFORE BE IT RESOLVED that the Town Board hereby agrees to permit NYCFC access to one playing field at the Orangetown Soccer Complex, on the terms and conditions as set forth more fully in an agreement to be executed between the parties and acknowledged by OMSC, for the period of February 1, 2022 through November 15, 2022, at a total fee of \$30,000.00, to be paid in installments as per the written agreement, which is incorporated by reference herein.

BE IT FURTHER RESOLVED, that the Supervisor or her designee, including but not limited to the Superintendent of Parks and Recreation, is authorized to execute the agreement between the Town and NYCFC and any other documents necessary to effectuate the purposes of this resolution.

TOWN ATTORNEY

9. **APPROVAL OF 2022 CERTIFICATE OF SEWER REGISTRATIONS**

RESOLVED, that upon the recommendation of the Town Attorney and the Commissioner of the Department of Environmental Management and Engineering, a Certificate of Registration for 2022 Sewer Work is approved to:

- ◆ Mouacdie Excavating Corp., 175 Rte 9W, Suite #6, Congers, NY 10920
- ◆ S.H.F. Corporation, 23 Briarwood Drive, New City, NY 10956

10. **APPROVE / AUTHORIZE TOWN ATTORNEY TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING 101 DUTCH HILL ROAD LLC V. ORANGETOWN, ET AL.
(74.10-1-59./1)**

RESOLVED, upon the recommendation of the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign settlement documents regarding the tax certiorari proceeding 101 Dutch Hill Road LLC v. Orangetown, et al., tax map designation 74.10 -1- 59./1 (101 Dutch Hill Road, Orangeburg), for the tax assessment years 2020 – 2021 for a total refund by the County of \$1,082, a total refund by the Town of \$3,934, and a total refund by the School District of \$10,413. Interest on the Town's liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Rockland County Finance Department.

POLICE

11. **APPOINT / ANDREW TUERS / POLICE OFFICER / PROBATIONARY – PERMANENT**

RESOLVED, upon the recommendation of the Chief of Police, appoint ANDREW TUERS from Rockland County List #21033/67-540 to the position of Police Officer/Probationary/Permanent, effective June 29, 2022, at a salary consistent with the terms of the labor agreement between the Town of Orangetown and the Orangetown PBA.

12. **APPOINT / KURT NIEMEYER / POLICE OFFICER / PROBATIONARY – PERMANENT**

RESOLVED, upon the recommendation of the Chief of Police, appoint KURT NIEMEYER from Rockland County List #21033/67-540 to the position of Police Officer/Probationary/Permanent, effective June 29, 2022, at a salary consistent with the terms of the labor agreement between the Town of Orangetown and the Orangetown PBA.

13. **APPROVE PURCHASE DEFIBRILLATORS / STRYKER / PIGGYBACK PUBLIC SAFETY ASSOCIATION INC.**

WHEREAS, pursuant to General Municipal Law § 103(16), a village is authorized to make purchases of apparatus, materials, equipment and supplies, as required, through the use of a contract let by the United States, or any agency thereof, or any state or any other political subdivision or district therein, if such contract was let to the lowest responsible bidder or on the basis of best value, in a manner consistent with GML § 103 and specifically made available to other municipalities; and

WHEREAS, the Public Safety Association is a public entity whose creation was authorized by the State of Minnesota, pursuant to Minn. Stat. § 123A.21; and

WHEREAS, Public Safety Association, Inc. is permitted to engage in cooperative purchasing, pursuant to Minn. Stat. § 471.345, for supplies, materials and

equipment based on sealed competitive bid, direct negotiation or best value, based on the estimated cost of the item; and

WHEREAS, the Town of Orangetown is a member agency of Public Safety Association, Inc. and

WHEREAS, in or about August, 2021 Public Safety Association, Inc. issued a Request for Bids for the procurement of medical equipment (RFB#2021-06); and

WHEREAS, the responses to the RFB were publicly opened; and

WHEREAS, as a result thereof, a contract was awarded to Stryker Sales, LLC, which contract was expressly made available to member agencies, including the Town of Orangetown; and

WHEREAS, the Chief of Police has identified the urgent need for and requested that certain defibrillators, known as LifePak CR2 AED, be purchased through the Public Safety Association, Inc. contract with Stryker,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the purchase of LifePak CR2 Defibrillators under Public Safety Association, Inc. Contract # 10359547 at a total cost of Sixty five thousand seven hundred forty three dollars and 80/100 cents (\$65,743.80), and further authorizes the Supervisor, Director of Finance and/or Police Chief to take such further action, and to execute such further documents, as may be necessary to effectuate such purchase.

14. **PROMOTE ROBERT J. WENTLAND / POLICE SERGEANT/ POLICE DEPARTMENT / EFFECTIVE JUNE 20, 2022**

RESOLVED, that upon the recommendation of the Chief of Police, promote Robert J. Wentland from Rockland County Civil Service List # 21034/70-860, to the position of Police Sergeant, permanent, Town of Orangetown, effective June 20, 2022 at a salary as negotiated in the PBA contract.

DEME

15. **APPOINT PHILIP AMMIRATI / MAINTENANCE SUPERVISOR (ELECTRICAL) / GRADE 19, STEP 3 / EFFECTIVE JUNE 29, 2022**

RESOLVED, upon the recommendation of the Commissioner of DEME, Philip Ammirati is hereby appointed to Maintenance Supervisor (Electrical) Grade 19, Step 3, Provisional at an annual salary \$95,238 effective June 29, 2022.

PARKS AND RECREATION

16. APPROVAL TO EXTEND THE 2021 AWARDED CONTRACT / RESOLUTION NO. 2021-226 / CHESTNUT RIDGE TRANSPORTATION / 2022 SUMMER DAY CAMP PROGRAM

WHEREAS, pursuant to Town Board Resolution 2021-226, the Town entered into an agreement with Chestnut Ridge Transportation, Inc., to provide bus services for the Orangetown Summer Day/Teen Camp for the 2021 season, which award was based on a competitive bidding process, and

WHEREAS, the agreement provides that it may be extended upon Town Board resolution up to three years on the same terms and conditions, and

WHEREAS, upon the recommendation of the Superintendent of Parks and Recreation, the Town Board finds that it is in the best interests of the Town to extend the agreement with Chestnut Ridge Bus Transportation, Inc. for the 2022 Summer Day/Teen Camp,

NOW THEREFORE BE IT RESOLVED, the Town Board hereby agrees to extend the agreement with Chestnut Ridge Transportation, Inc. for the summer 2022 season, on the same terms and conditions as the 2021 agreement, subject to satisfactory proof of insurance, and hereby authorize the Supervisor or her designee to execute any and all documents necessary to effectuate the terms and purposes of this resolution.

LEND ASSISTANCE

17. APPROVE / COMBINE AGENDA ITEMS #18 TO 19

RESOLVED, the Town Board hereby combines and approves agenda items #18 to 19.

18. APPROVE / LEND ASSISTANCE / 2022 PIERMONT BASTILLE DAY / SATURDAY, JULY 16TH

RESOLVED, upon the completion of all necessary paperwork, the Superintendent of Parks & Recreation has forwarded for approval by the Town Board use of the Showmobile at a rental cost of \$500.00 by the Piermont Chamber of Commerce for Bastille Day, Saturday, July 16, 2022, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

19. APPROVE / LEND ASSISTANCE / 2022 PEARL RIVER FIREWORKS / MONDAY, JULY 4TH

RESOLVED, upon the completion of all necessary paperwork, the Superintendent of Parks & Recreation has forwarded for approval by the Town Board the rental of Portable Toilets (6) (4 regular units 2 ADA units) for the Pearl River Park & Activity Committee, Pearl River July 4th Celebration Monday, July 4, 2022.

AUDIT

20. 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 **\$854,244.05**.

EXECUTIVE SESSION

21. ENTER EXECUTIVE SESSION

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

ADJOURNMENTS

22. RE-ENTER RTBM / ADJOURNED / MEMORY

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

❖ **Kathleen Bergin**, *Resident of Pearl River*