



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday August 23, 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:

- ◆ **2023 Budget Presentations to Town Board:**
 - **Town Departments / Wednesday, September 7, 2022 at 5:30 P.M.**
 - **Special Districts / Tuesday, September 13, 2022 at 7:05 P.M.**
(Blauvelt, Orangeburg, Palisades and Tappan Libraries / Blauvelt Fire Protection District, Rockland Paramedics, Nyack Ambulance Corp and South Orangetown Ambulance Corps)
- ◆ **Town of Orangetown September 11th Memorial Ceremony / Sunday, September 11, 2022 / Veterans Memorial Park at 12:30 pm**

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. **CONTINUATION OF PUBLIC HEARING FROM RTBM OF JULY 12, 2022 / 7:05 P.M. / PROPOSED ZONE CHANGE FOR GATTO LANE PROPERTY / TOLL BROTHERS, INC. / LOCATION ON GATTO LANE, PEARL RIVER / TAX LOT 68.07-2-1**

RESOLVED, that the public hearing is hereby continued.

SUMMARY OF PUBLIC COMMENTS:

4. **CLOSE / CONTINUE PUBLIC HEARING / PROPOSED ZONE CHANGE FOR GATTO LANE PROPERTY / TOLL BROTHERS, INC. / LOCATION ON GATTO LANE, PEARL RIVER / TAX LOT 68.07-2-1**

RESOLVED, that the public hearing is hereby closed or continued to _____.

5. **CONTINUATION OF PUBLIC HEARING FROM RTBM OF JULY 12, 2022 / 7:10 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:

6. **CLOSE OR CONTINUE PUBLIC HEARING / PROPOSED CHANGE TO THE TOWN CODE, CHAPTER 43, ADDING ARTICLE XVII TO ADDRESS ZONING IN THE HAMLET OF SOUTH NYACK**

RESOLVED, that the public hearing is hereby closed or continued to _____.

7. **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 "6", "12", "15" and "16", for the reasons set forth in the Memorandum of David Gilmour, AICP, dated 08/15/2022, 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.

8. **AUTHORIZE EXTENSION OF LEASE TO JANUARY 12, 2024 / OVESC / CHIEF BILL HARRIS WAY**

WHEREAS, the Town of Orangetown, as the owner of property located at and known as 161, 163, 165, 167, 174, 176, 180 and 184 Chief Bill Harris Way, Orangeburg, New York entered into a Lease Agreement on or about October 12, 2004, with the Orangetown Volunteer Emergency Service Coalition, Inc. (OVESC) to rent said properties to OVESC to provide for housing for volunteer emergency service providers, and which Lease Agreement was Modified pursuant to Town Board Resolution 2011-153, and

WHEREAS, the Lease Agreement and Modification was extended and modified pursuant to an Extension and Modification Agreement dated on or about February 4, 2019, pursuant to Town Board Resolution 2018-742, which extended the Lease Agreement through and including January 12, 2020, and

WHEREAS, the Lease Agreement and Modification was extended and modified pursuant to a Second Extension and Modification Agreement dated on or about May 14, 2020, pursuant to Town Board Resolution 2020-143 which extended the Lease Agreement through and including January 12, 2022, and

WHEREAS, OVESC has requested that the Lease Agreement being extended further, and the Town Board having found that providing this housing serves a public purpose to encourage volunteer emergency service workers to reside in the Town,

NOW THEREFORE, BE IT RESOLVED, that Town hereby agrees to grant a Lease Agreement to OVESC and the Supervisor is hereby authorized to execute the proposed Third Extension and Modification of Lease Agreement with OVESC for those certain Town owned lands, not currently needed by the Town for Town purposes, located on Chief Bill Harris Way, in the hamlet of Orangeburg, Town of Orangetown. The said premises are to be used and occupied solely as housing units for volunteer emergency service personnel who are certified members of a volunteer fire or ambulance department/association located in, and providing emergency services to, the Town of Orangetown.

This resolution is subject to permissive referendum.

9. **TOWN OF ORANGETOWN GRANT COMPLIANCE POLICY FOR FEDERAL AWARDS IN ACCORDANCE WITH 2 CFR PART 200 (SUBPARTS A THROUGH F)**

WHEREAS, the provisions of 2 CFR Part 200 (Subparts A through F), entitled “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards”, requires an organization receiving federal awards to establish and maintain effective internal controls over federal awards; and

NOW THEREFORE BE IT RESOLVED that the Town Board does hereby adopt the Town of Orangetown Grant Compliance Policy for Federal Awards in Accordance with 2 CFR Part 200 (Subparts A through F).

10. **AUTHORIZE GRANT APPLICATION / ROCKLAND RESILIENT RECREATION GRANT PROGRAM / ROCKLAND COUNTY ARPA DEPARTMENT / BASKETBALL COURTS / FRANKLIN STREET 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 installation of new basketball courts at Franklin Street 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 Franklin Street Park Basketball Court Replacement Project is a Type II (exempt) action under SEQRA which requires no further environmental 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 Franklin Street Park Basketball Court 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 Franklin Street Park Basketball Court Replacement project, not to exceed \$20,000.

TOWN ATTORNEY

11. **AMENDMENT OF AMOUNT OF SETTLEMENT OF CLAIM - JOSEPH B. BROWN**

WHEREAS, on June 14, 2022 by Town Board Resolution #290 of 2022, the Town Board authorized payment of \$7,575.92 for the claim of State Farm on behalf of their client Joseph B. Brown for a property damage incident which occurred on December 6, 2021; and

WHEREAS the payment amount should have also reflected the settlement of a claim of \$241.23 payable to Joseph B. Brown for out of pocket expenses arising out of the December 6, 2021 incident; and

NOW THEREFORE BE IT RESOLVED, that the claim by Joseph B. Brown in the full and final amount of \$241.23 shall be settled and paid by the Town; and

BE IT FURTHER RESOLVED, that the Supervisor or her designee is authorized to execute any and all legal documents in order to effectuate the enforcement of this resolution.

12. **APPROVE THE MEMORANDUM OF AGREEMENT BETWEEN THE TOWN OF ORANGETOWN AND THE CIVIL SERVICE EMPLOYEES ASSOCIATION, INC. AFSCME, AFL-CIO FOR THE TOWN OF ORANGETOWN CSEA UNIT 8353, DATED JULY 27, 2022**

WHEREAS, the Collective Bargaining Agreement by and between the Town of Orangetown ("Town") and the Civil Service Employees Association, Inc. ("CSEA Unit 8353") was in effect from January 1, 2017 through and including December 31, 2020;

WHEREAS, the Town and CSEA Unit 8353 Negotiating Committees entered into negotiations concerning a new four (4) year agreement for the period beginning January 1, 2021 through and including December 31, 2024;

WHEREAS, the respective Town and CSEA Unit 8353 Negotiating Committees entered into a Memorandum of Agreement, dated June 15, 2022, and conformed on July 27, 2022, for the purpose of recommending terms to the Town Board and CSEA constituencies for approval and ratification;

WHEREAS, the CSEA Unit 8353 ratified the July 27, 2022 Memorandum of Agreement on August 1, 2022, and

NOW THEREFORE BE IT RESOLVED, that the Town shall approve of the Memorandum of Agreement, dated July 27, 2022, and

BE IT FURTHER RESOLVED, that the Supervisor or her designee is authorized to execute any and all legal documents in order to effectuate the enforcement of this resolution.

HIGHWAY

13. **APPROVE PROPOSAL / COLLIERS ENGINEERING & DESIGN/ ENGINEERING & DESIGN SERVICES / VILLA DRIVE CULVERT PIPE REPLACEMENT**

RESOLVED, the Town Board hereby approves the retention of Colliers Engineering & Design for the development of Construction Plans and Specifications for the replacement of a 24 inch culvert pipe that crosses under Villa Drive, Nanuet, at a cost of \$30,000, pursuant to a written proposal dated June 29, 2022, incorporated herein by reference and to be filed in the Town Clerk's Office.

14. **AUTHORIZE / AGREEMENT / NYS DOT / PIN 8780.54 NORTH MIDDLETOWN ROAD PEDESTRIAN LINK TO PEARL RIVER BUSINESS DISTRICT**

WHEREAS, authorizing the implementation, and funding in the first instance 100% of the federal-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore; and

WHEREAS, a Project for the North Middletown Road Pedestrian Link to Pearl River Business District in the Town of Orangetown, Rockland County, PIN 8780.54 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 75% Federal funds and 25% non-federal funds; and

WHEREAS, the Town of Orangetown desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction and construction inspection;

WHEREAS, the Orangetown Town Board duly convened upon this matter;

NOW THEREFORE BET IT RESOLVED, that the Orangetown Town Board hereby approves the above-subject project; and

BE IT FURTHER RESOLVED, that the Orangetown Town Board hereby authorizes the Town of Orangetown to pay in the first instance 100% of the federal and non-federal share of the cost of construction and construction inspection work for the Project or portions thereof; and

BE IT FURTHER RESOLVED, the sum of \$2,230,658.00 is hereby appropriated from H.5110.200.99, and made available to cover the cost of participation in the above phase of the Project; and it is further

BE IT FURTHER RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Orangetown Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Supervisor thereof, and it is further

BE IT FURTHER RESOLVED, that the Supervisor of the Town of Orangetown be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the Town of Orangetown with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

BE IT FURTHER RESOLVED, that in addition to the Supervisor, the following municipal titles: Highway Superintendent, Commissioner of DEME, Director of Finance, are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and

BE IT FURTHER RESOLVED, this resolution shall take effect immediately.

PARKS AND RECREATION

15. APPROVE CONTRACT / A+ TECHNOLOGY AND SECURITY / FRANKLIN PARK IN SOUTH NYACK

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, approve the contract with A+ Technology and Security for replacements and upgrades to security cameras and automated door lock system at Franklin Street Park in South Nyack at a total cost of \$15,781.75 as per NYS Contract # PT68745 A+ T&S. Amount to be paid from fund balance.

POLICE

16. APPOINT / JOSEPH DAVIN / POLICE OFFICER

RESOLVED, upon the recommendation of the Chief of Police, Joseph Davin is hereby appointed to the position of Police Officer/Permanent, from the Rockland County Department of Personnel Civil Service List # (OC) 21033/67-540, effective August 24, 2022, at a salary that is consistent with the terms of the labor agreement between the Town of Orangetown and Orangetown PBA.

TRAFFIC ADVISORY BOARD

17. SET PUBLIC HEARING ON PROPOSED AMENDMENT TO CHAPTER 39, ARTICLE I, SECTION 39-11(D), HEAVY TRUCKING IN THE HAMLET OF SPARKILL, OF THE TOWN CODE / WILLIAM STREET

RESOLVED, that the Town Board will hold a public hearing on September 27, 2022, at 7:05 p.m., on a proposed Local Law Amending Chapter 39, Vehicles and Traffic, Article I, Vehicle and Traffic Regulations, Section 39- 11(D)(5) Heavy Trucking in the Hamlet of Sparkill, with respect to the reinstatement of a five-ton weight restriction and the removal of truck route designation on William Street between Washington Street and Valentine Avenue and Washington Street and Main Street between William Street and the Piermont Village line.

DEME

18. APPROVE / SURPLUS VEHICLES / DEME

RESOLVED, upon the recommendation of the Commissioner of D.E.M.E., the following vehicles be declared surplus and available for auction.

2011	Chevrolet Suburban	VIN # 1GNSK5E31BR300994
2007	Jeep Grand Cherokee	VIN # 1J8GR48K47C630011
2008	Chevrolet Equinox	VIN # 2CND123F186336128

LEND ASSISTANCE

19. **APPROVE / COMBINE AGENDA ITEMS #20 TO 27**

RESOLVED, the Town Board hereby combines and approves agenda items #20 to 27.

20. ******PLACE HOLDER***APPROVE / LEND ASSISTANCE / 2022 ROCKLAND ROAD RUNNER'S SOUTH NYACK ROAD RACE / SUNDAY, SEPTEMBER 11TH**

RESOLVED, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of barricades and hanging of a banner from the Highway Dept., and police detail from OPD, for the South Nyack Road Race to be held on Sunday, September 11, 2022 from 7:45am-11:00am.

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 (10 regular units) for the Rockland Road Runner's South Nyack Road Race, Sunday, September 11, 2022.

21. **APPROVE / LEND ASSISTANCE / 2022 PEARL RIVER HOOK & LADDER AUTO SHOW / SUNDAY, SEPTEMBER 18TH**

RESOLVED, upon the recommendation from the Superintendent of Highways & the Superintendent of Parks & Recreation, the Town Board hereby authorizes these departments to lend assistance which includes the use of fifteen (15) 55 gallon trash barrels from the Highway Department and the rental of Portable Toilets (2 regular units) from the Parks and Recreation Department for the Pearl River Hook & Ladder Fire Department Car Show to be held on Sunday, September 18, 2022, in the Central Avenue Field, from 6am to 6pm.

22. **APPROVE/ LEND ASSISTANCE/ 2022 PEARL RIVER HIGH SCHOOL PEP RALLY & BONFIRE**

RESOLVED, upon the recommendation of the Superintendent of Highways and Chief of Police, that the Town Board hereby authorizes these two departments to lend assistance which includes the use of barricades, barrels and sand from the Highway Department & the presence of Auxiliary Police from the Police Department for the Pearl River High School Pep Rally & Bonfire to be held on Friday, September 30, 2022 from 7pm to 10pm.

23. **APPROVE / LEND ASSISTANCE / 2022 DOMINICAN UNIVERSITY / FIRE IN THE SKY / SATURDAY, SEPTEMBER 17TH**

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 Dominican University for their Fire in the Sky event, Saturday, September 17, 2022, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

24. **APPROVE / LEND ASSISTANCE / 2022 PEARL RIVER CHAMBER OF COMMERCE / PEARL RIVER DAY / SATURDAY, OCTOBER 15TH**

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 Pearl River Chamber of Commerce for Pearl River Day, Saturday, October 15, 2022, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

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 (4 regular units 2 ADA units) for the Pearl River Chamber of Commerce Pearl River Day, Saturday, October 15, 2022.

25. **APPROVE / LEND ASSISTANCE / PEARL RIVER ROTARY FISHING CONTEST / VETERANS PARK**

RESOLVED, that upon the completion of all the necessary paperwork, the Superintendent of Parks, Recreation & Building Maintenance has forwarded for approval by the Town Board to provide fencing and trash barrels to the Pearl River Rotary Club for their annual youth fishing contest to be held at Veterans Memorial Park on September 10, 2022 (Rain Date: September 24, 2022).

26. ****PLACEHOLDER** APPROVE/ LEND ASSISTANCE / 2022 SONS OF ITALY ITALIAN FEAST**

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 fencing, cones, barricades, message board, trash cans & barrels from the Highway Department & police detail from the Police Department. This event will be held from September 8 - September 11, 2022, from 11 am - 12 am.

27. **APPROVE/ LEND ASSISTANCE / TAPPAN 9/11 MEMORIAL DAY SERVICE**

RESOLVED, upon the recommendation from the Superintendent of Highways that the Town Board hereby authorizes the Highway Department to lend assistance which includes the use of two message boards from the Highway Department, Tappan 9/11 Memorial Service, to be held on Sunday, September 11, 2022 from 8am- 11am.

AUDIT

28. **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 six (6) warrants (attached) for a total of **\$4,269,700.37**.

EXECUTIVE SESSION

29. ENTER EXECUTIVE SESSION

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

ADJOURNMENTS

30. RE-ENTER RTBM / ADJOURNED / MEMORY

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

- ❖ **Michael J. Higgins**, *Resident of Pearl River, Lieutenant, FDNY (Rt.)*
- ❖ **Kathleen McDermott**, *Resident of Pearl River*
- ❖ **Catherine Nealon**, *Resident of Blauvelt*