



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday September 27, 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:

- ◆ **October 15, 2022 (Saturday) from 8 am - 11:30 am / Free Paper Shredding Event at the Orangetown Town Hall held by the Town Clerk's Office / Please bring a non-perishable food item for donation to local food pantries**

PRESENTATIONS:

- ◆ **PKF O'CONNOR DAVIES AUDIT**

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. OPEN PUBLIC HEARING / RTBM OF SEPTEMBER 27, 2022 AT 7:05 P.M. / PROPOSED LOCAL LAW AMENDING / TOWN CODE CHAPTER 39, VEHICLES & TRAFFIC, ARTICLE I, VEHICLE AND TRAFFIC REGULATIONS, SECTION 39-11(D) HEAVY TRUCKING IN THE HAMLET OF SPARKILL**

RESOLVED, that the Public Hearing 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, is hereby opened.

PRESENTATION of Affidavit of Public Hearing posting and publication.

SUMMARY OF COMMENTS:

- 4. CLOSE / CONTINUE PUBLIC HEARING / PROPOSED LOCAL LAW AMENDING / TOWN CODE CHAPTER 39, VEHICLES & TRAFFIC, ARTICLE I, VEHICLE AND TRAFFIC REGULATIONS, SECTION 39-11(D) HEAVY TRUCKING IN THE HAMLET OF SPARKILL**

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- 5. LEAD AGENCY AND DETERMINATION OF SEQRA / PROPOSED LOCAL LAW AMENDING / TOWN CODE CHAPTER 39, VEHICLES & TRAFFIC, ARTICLE I, VEHICLE AND TRAFFIC REGULATIONS, SECTION 39-11(D) HEAVY TRUCKING IN THE HAMLET OF SPARKILL**

RESOLVED, that the Town Board declares itself Lead Agency in this matter, and further determines that such action is a Type II action pursuant to SEQRA, that the action will not have a significant adverse environmental impact, and, therefore, no further action is necessary with respect thereto under the State Environmental Quality Review Act.

- 6. ADOPT LOCAL LAW ____, 2022 / AMENDING TOWN CODE CHAPTER 39, VEHICLES & TRAFFIC, ARTICLE I, VEHICLE AND TRAFFIC REGULATIONS, SECTION 39-11(D) HEAVY TRUCKING IN THE HAMLET OF SPARKILL**

RESOLVED, that the Town Board hereby adopts Local Law ____, 2022 to amend the Town Code, Chapter 39, Vehicles & Traffic, Article I, Vehicle and Traffic Regulations, Section 39-11(D) Heavy Trucking in the Hamlet of Sparkill.

LOCAL LAW NO. ____ - 2022 OF THE TOWN OF ORANGETOWN,

AMENDING CHAPTER 39 (VEHICLES AND TRAFFIC), ARTICLE I (VEHICLE AND TRAFFIC REGULATIONS) OF THE CODE OF THE TOWN OF ORANGETOWN

Language to be deleted from the existing Code provisions are indicated by a ~~strikethrough~~; and new language to be added is typed in **bold and underscored**. All other language shown is to remain unchanged and is provided for context.

Be it enacted by the Town Board of the Town of Orangetown as follows:

Section 1 – Legislative Findings, Objectives and Purpose of this Local Law No. ____ of 2022: The Town of Orangetown Traffic Advisory Board, having investigated issues related to traffic safety, congestion, speeding, and volume of large and heavy-weight trucks in vicinity of William Street the hamlet of Sparkill, recommends the Town Board adopt this local law amending the Town Code, to remove the 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 and reinstate a five-ton weight restriction on William Street. Having reviewed the recommendations of the Traffic Advisory Board and held a public hearing on the matter, the Town Board finds the removal of the truck route designation on these specified streets and the addition of a five-ton weight restriction for trucks on William Street is necessary for traffic safety.

Section 2 – Chapter 39 (Vehicles and Traffic), Article I (Vehicle and Traffic Regulations), §39-11, (Heavy Trucking) of the Code of the Town of Orangetown, shall be amended so as to amend subsection “5” of paragraph “D” of Section 39-11, and, as amended, shall read as follows:

39-11. Heavy trucking.

It shall be unlawful for trucks having a gross weight of vehicle plus load in excess of five tons to travel over the following highways except when engaged in the delivery of merchandise or other property along such highways:

D. In the Hamlet of Sparkill.

- (1) Kings Highway from Hickey Street to Orangeburg line.
- (2) Kings Highway between Route 340, Sparkill, and Route 303, Tappan.
[Added 5-28-1974 by L.L. No. 3-1974]
- (3) Union Avenue between Main Street and Valentine Avenue.
[Added 5-28-1974 by L.L. No. 3-1974]
- (4) Valentine Avenue between Union Avenue and William Street.
[Added 5-28-1974 by L.L. No. 3-1974]
- (5) ~~The five-ton weight restriction on Main Street in Sparkill is rescinded and the following truck routes are established: William Street between Washington Street and Valentine Avenue; and Washington Street and Main Street between William Street and the Piermont Village line.~~ **William Street.**

Section 3 – This Local Law shall become effective immediately upon filing with the New York State Secretary of State.

7. SET DATE / PUBLIC HEARING / RTBM OF OCTOBER 11, 2022 AT 7:00 P.M. / INTENT TO BE LEAD AGENCY / SEQRA 2023 / ONE -YEAR CONTRACT / BLAUVELT FIRE PROTECTION DISTRICT CONTRACT

RESOLVED, that pursuant to Town Law §184, the Town Board will hold a Public Hearing at 7:00 p.m. at the Town Board meeting of October 11, 2022 to consider a contract with the Blauvelt Volunteer Fire Company, Inc., for Fire Protection Services in and throughout the Blauvelt Fire Protection District, within the Town, for year 2023 and authorizes the Town Clerk to publish the meeting notice.

BE IT FURTHER RESOLVED, that in connection therewith, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review under SEQRA and makes the preliminary determination that the action is an “unlisted” action under SEQRA.

8. SET DATE / PUBLIC HEARING / RTBM OF OCTOBER 11, 2022, AT 7:10 P.M. / INTENT TO BE LEAD AGENCY / SEQRA / 2023 - ONE YEAR CONTRACT / ORANGETOWN LIBRARY DISTRICT (BLAUVELT, ORANGEBURG, TAPPAN AND PALISADES LIBRARIES)

RESOLVED, that the Town Board hereby sets October 11, 2022 at 7:10 p.m. for a public hearing on the proposed Contracts between the Town of Orangetown and the Blauvelt Free Library, the Orangeburg Library, the Palisades Free Library and the Tappan Free Library, for library services in and throughout the boundaries of their district as contained in the Orangetown Library District (and including the residents of Sparkill as delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012 within the Town) for calendar year 2023; and authorizes the Town Clerk to publish the meeting notice.

BE IT FURTHER RESOLVED, that in connection therewith, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review under SEQRA and makes the preliminary determination that the action is an “unlisted” action under SEQRA.

9. SET DATE / PUBLIC HEARING / RTBM OF OCTOBER 11, 2022 AT 7:15 P.M. / 2023 PRELIMINARY BUDGET

RESOLVED, that the Town Board hereby sets October 11, 2022 at 7:15 p.m. for a public hearing on the 2023 Preliminary Budget, and authorizes the Town Clerk to publish the meeting notice, and authorizes the Finance Department to publish it on the Town website (www.orangetown.com) and file in the Town Clerk’s office for public viewing.

10. 2023 TOWN SUPERVISOR'S TENTATIVE BUDGET DISTRIBUTED / RECEIVED / FILED

RESOLVED, that the 2023 Supervisor's Tentative Budget is hereby distributed to the Town Board for review; filed with the Town Clerk and the Finance Department is authorized to make it available on the Town's website (www.orangetown.com).

TOWN ATTORNEY

11. APPROVE / AUTHORIZE TOWN ATTORNEY TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING RE. 98 MAIN STREET LLC V. TOWN OF ORANGETOWN, AND NYACK UNION FREE SCHOOL DISTRICT (66.38-1-22)

RESOLVED, upon the recommendation of the Tax Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign settlement documents regarding the tax certiorari proceeding re. 98 Main Street LLC v. The Assessor, The Board of Assessors and The Board of Assessment Review of the Town of Orangetown, and Nyack Union Free School District, for property commonly known as 98 Main Street, in the Village of Nyack (Tax Map Designation 66.38-1-22), for the tax assessment years 2020 and 2021, for a total refund by the Town of \$2,415.00, a total refund by the School District of \$9,005.00, and a total refund by the County of \$953.00. Interest on the Town's liability, as a result of a property tax assessment decrease or refund, is waived if payment is made within sixty (60) days after a copy of the Court Order, based upon the settlement, is served on the Rockland County Finance Department.

12. ACCEPT COVENANT, HOLD HARMLESS AND INDEMNIFICATION / 29 CORPORATE DRIVE, ORANGEBURG

RESOLVED, upon the recommendation of the Town of Orangetown Highway Department and the Department of Environmental Management and Engineering with regard to a drainage easement on the property located at 29 Corporate Drive, Orangeburg, New York, and upon review and approval of the Town Attorney, accept a Hold Harmless and Indemnification Agreement from 29 Corporate Drive, LLC, having an address of 10 Sharp Plaza, Mahwah, New Jersey 07436, and authorize the Town Attorney to execute same on behalf of the Town.

13. ACCEPT PERFORMANCE BOND / SMK SUBDIVISION / 104 WEST ERIE STREET, BLAUVELT

WHEREAS, SMK Homebuilders, Inc., as owner of property located at 104 West Erie Street, Blauvelt, New York (Tax Lot 70.13 Block 1 Lot 20), applied for and received subdivision plan approval from the Town of Orangetown Planning Board for said property, and

WHEREAS, pursuant to the aforesaid approval, the Planning Board, at the recommendation of the Department of Environmental Management and Engineering, in its decision identified as PB #22-38 required that the applicant post a Performance Bond in the amount of \$585,600.00 (Five Hundred and Eighty -Five Thousand and Six Hundred Dollars) to ensure the construction and completion of certain public improvements pursuant to the aforesaid approvals, and that the term of said bond shall be two years from July 27, 2022, and

WHEREAS, the applicant has submitted a fully executed Performance Bond dated September 13, 2022, Bond No. GM 219158, issued by the Skyward Surety, as Surety, on behalf of SMK Homebuilders, Inc., as principal, in the amount of \$585,600.00 (Five Hundred and Eighty-Five Thousand and Six Hundred Dollars), naming the Town of Orangetown as beneficiary, to insure the completion of public improvements associated

with the SMK Erie Subdivision, which Performance Bond has been approved as to form and substance by the Town Attorney's Office.

NOW THEREFORE BE IT RESOLVED THAT, the Town hereby formally accepts, receives and files with the Office of the Town Clerk a Performance Bond dated September 13, 2022, Bond No. GM 219158, issued by the Skyward Surety, as Surety, on behalf of SMK Homebuilders, Inc., as principal, in the amount of \$585,600.00 (Five Hundred and Eighty-Five Thousand and Six Hundred Dollars), naming the Town of Orangetown as beneficiary, to insure the completion of public improvements associated with the "SMK Erie Subdivision," and said bond shall be returned only upon satisfactory completion of said public improvements according to the terms of said Bond, Planning Board decision PB #22-38, any Town departments having jurisdiction thereof, and formal resolution of the Town Board.

14. **34 CLAUSLAND MOUNTAIN ROAD, BLAUVELT / RELEASE SAMBROTTO PERFORMANCE BOND AND ACCEPT BLANKFORT PERFORMANCE BOND**

WHEREAS, pursuant to Town Board Resolution 2020-415, the Town Board accepted a Performance Bond from Raymond N. and Beverly W. Sambrotto, issued by Western Surety Company, Bond No. 71817434, in the amount of \$65,232.00, related to the Sambrotto Subdivision for property located at 34 Clausland Mountain Road, Blauvelt, Town of Orangetown, New York (Section 70.14, Block 2, Lots 11.1 and 11.2); and

WHEREAS, the Planning Board at its meeting of July 27, 2022 authorized the replacement of said bond with a bond from Adam Blankfort, the new and current owner of the aforesaid property; and

WHEREAS, Adam Blankfort has submitted Bond No. 72433853, dated February 4, 2022, issued by Western Surety Company, in the amount of \$65,232.00 and naming the Town of Orangetown as beneficiary, to insure the completion of public improvements associated with the Sambrotto Subdivision, which Bond has been approved as to form and substance by the Town Attorney's Office.

NOW THEREFORE IT IS HEREBY RESOLVED THAT, the Town formally accepts, receives and files the Performance Bond from Adam Blankfort, issued by Western Surety Company, Bond No. 72433853, dated February 4, 2022, in the amount of \$ 65,232.00 and naming the Town of Orangetown as beneficiary, to insure the completion of public improvements associated with the Sambrotto Subdivision for property located at 34 Clausland Mountain Road, Blauvelt, Town of Orangetown, New York (Section 70.14, Block 2, Lots 11.1 and 11.2), which Bond is subject to all previous Planning Board decisions and conditions and which Bond shall remain in full force and effect until release by appropriate Town Board resolution, and

BE IT FURTHER RESOLVED THAT, the previously posted bond by Raymond N. and Beverly W. Sambrotto, issued by Western Surety Company, Bond No. 71817434, formerly accepted by Town Board Resolution 2020-415, shall be released and discharged upon adoption of this resolution accepting and substituting the Performance Bond submitted by Adam Blankfort, issued by Western Surety Company and having Bond No. 72433853.

POLICE

15. DECLARE SURPLUS VEHICLES / POLICE

RESOLVED, that upon the recommendation of the Chief of Police, the Town Board hereby declares the following vehicles are to be declared as surplus:

- Old 33D1 2FAHP71WX6X102285 2006 Ford Crown Vic Blue 85,000 miles body rust / end of service life
- Old 33D6 2FAHP71W46X134567 2006 Ford Crown Vic Black DPG6549 118,000 miles body rust / transmission / end of service life
- Old 33D2 2FAFP71WX3X112611 2003 Ford Crown Vic Black no plate 122,000 miles body rust / transmission / end of service life (previously loaned to and utilized by Building Dept.)
- Old 33D4 1FAFP53UX5A262083 2005 Ford Taurus Blue no plate 62,000 miles body rust / transmission / end of service life (previously loaned to and utilized by Assessor's Office)
- Old 33D10 JTLKT324740156211 2004 Toyota Scion Blue no plate 11,000 miles underbody rust / mechanical concerns
- Old 33D9 1FAHP3EN3AW206857 2010 Ford Focus Gray AEH3571 37,000 miles significant damage to unibody by fallen tree / totaled (auction for parts only / inoperable)
- No identifier SALME1D42CA369410 2012 Range Rover Blue no plate mileage unknown significant parts cost to make operational (obtained in court settlement/waiver – OPD Inc #17-16827)

PARKS AND RECREATION

16. APPOINT MELISSA DEBONIS / CUSTODIAL WORKER / PARKS & RECREATION DEPARTMENT / PROBATIONARY / EFFECTIVE OCTOBER 3, 2022

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, appoint Melissa DeBonis to the position of Custodial Worker, Probationary, Grade 9, Step 1 at a salary of \$53,164, effective October 3, 2022.

17. APPROVE / CHANGE ORDER #1 / PICKLEBALL COURT PROJECT / ADDITIONAL DRAINAGE

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation approve change order number one, for additional drainage at the Veterans Park Pickleball Court. Change order in the amount of \$19,200.00 increasing total contract cost to \$379,200.00

LEND ASSISTANCE

18. COMBINE / APPROVE AGENDA ITEMS #19 TO 21

RESOLVED, the Town Board hereby combines and approves agenda items #19 to 21.

19. APPROVE / LEND AID / 2022 NOBLE NINTH INC. / TRAUBENFEST / SUNDAY, OCTOBER 2ND

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 by Noble Ninth Inc for their Traubenfest, Sunday, October 2, 2022, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

20. APPROVE / LEND AID / 2022 PIERMONT OCTOBERFEST / 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 Piermont Chamber of Commerce for their Octoberfest, Saturday, October 15, 2022, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

21. APPROVE/ LEND ASSISTANCE/ NYACK FIRE DEPARTMENT INSPECTION PARADE

RESOLVED, upon the completion of all the necessary paperwork, the Superintendent of Highways has hereby forwarded for approval by the Town Board the use of barricades, and one plow truck for an enhanced security perimeter and traffic control for the Nyack Fire Department Inspection Parade on Saturday, October 8, 2022 from 2pm to 4pm.

AUDIT

22. 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 one (1) warrant (attached) for a total of **\$1,807,179.56**.

EXECUTIVE SESSION

23. ENTER EXECUTIVE SESSION

RESOLVED, at _____ pm, the Town Board entered Executive Session to discuss_____.

ADJOURNMENTS

24. RE-ENTER RTBM / ADJOURNED / MEMORY

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

❖ **Dorothy Magrino**, *Mother of Town Attorney, Robert Magrino*