



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday July 07, 2020

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

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

POLICE COMMISSION / 6:30 PM to 7:00 PM

1. ENTER POLICE COMMISSION

RESOLVED, the Town Board entered the Police Commission to discuss and/or receive an update regarding monthly reports for May and report on SRO program for 2019-2020 school year.

2. ENTER EXECUTIVE SESSION

RESOLVED, at ____ pm, the Town Board entered Executive Session to discuss personnel matters.

3. RE-ENTER RTBM

RESOLVED, at ____ pm, the Town Board re-entered the Regular Town Board Meeting.

Pledge of Allegiance to the Flag

PRESENTATIONS:

- Toll Brothers Presentation on Gatto Lane

DISCUSSION:

- WORKSHOP OF AGENDA ITEMS
- Authorize Town Attorney to research creation of a Land Trust or Community Preservation Fund
- Develop RFP to review and update Comprehensive Plan

PUBLIC COMMENT:

4. **OPEN PUBLIC COMMENT PORTION**

RESOLVED, the Public Comment portion is hereby opened.

5. **CLOSE PUBLIC COMMENT PORTION**

RESOLVED, the Public Comment portion is hereby closed.

AGENDA ITEMS:

TOWN BOARD

6. **SET DATE / PUBLIC HEARING / RTBM OF 8/18/2020 AT 7:15 P.M. / PROPOSED AMENDMENT / TOWN CODE CHAPTER 39, VEHICLES & TRAFFIC ARTICLE II, TRAFFIC ADVISORY BOARD (TAB)**

RESOLVED, the Town Board will hold a Public Hearing on 8/18/2020 at 7:15 pm on a proposed amendment to the Town Code, CHAPTER 39, VEHICLES & TRAFFIC ARTICLE II, TRAFFIC ADVISORY BOARD (TAB), for the purpose of clarifying the TAB's organization, membership and procedures.

7. **SET DATE / PUBLIC HEARING / RTBM OF AUGUST 18, 2020 AT 7:25 P.M. / PROPOSED AMENDMENT TO TOWN CODE / CHAPTER 43, ARTICLE IV / SPECIAL PERMIT / OUTDOOR PARKING AND STORAGE OF VEHICLES**

RESOLVED, the Town Board will hold a Public Hearing on August 18, 2020 at 7:25 pm on a proposed amendment to the Town Code, CHAPTER 43, Zoning, Article IV, Section 4.3 regarding Special Permits to permit the outdoor storage of vehicles under certain enumerated conditions.

8. **DECLARATION OF INTENTION OF TOWN BOARD TO SERVE AS LEAD AGENCY PURSUANT TO SEQRA / AMENDMENT TO TOWN CODE / CHAPTER 43 ARTICLE IV / SPECIAL PERMIT / TEMPORARY OUTDOOR STORAGE OF VEHICLES**

WHEREAS, the Town Code currently provides for the issuance of Special Permits for the temporary outdoor storage of vehicles under certain terms and conditions, and

WHEREAS, the Town Board is desirous of permitting the temporary outdoor storage of vehicles under certain terms and conditions, and

WHEREAS, upon review of the proposed Local Law, Short Environmental Assessment Form, 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:
 - Orangetown Planning Board;
 - Rockland County Department of Planning;

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 proposed Local Law, amending the Town Code, 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.

9. SET DATE / STBM (PUBLIC) / SEPTEMBER 12, 2020 AT 8:00 A.M. / 2021 DEPARTMENT BUDGET PRESENTATIONS

RESOLVED, that the Town Board affirms the Special Town Board Meeting on September 12, 2020 at 8:00 A.M. regarding the Town Department Budgets, and authorizes the Town Clerk to publish the meeting notice.

10. ACCEPT PROPOSAL FROM LOTHROP ASSOCIATES FOR ADDITIONAL WORK / NEW TOWN HALL

WHEREAS, pursuant to Town Board Resolution No. 743 of 2018, the Town Board authorized the Town Clerk to issue a Request for Proposal (RFP) for Architectural Engineering and Space Planning Services, for the purpose of receiving bids to provide design plans and consultation for a proposed Town Hall, subject to final approval of appropriate Town department heads, and

WHEREAS, such services are for professional services and not subject to the competitive bidding requirements of NY General Municipal Law §103 and

WHEREAS, on July 9, 2019, via Town Board Resolution 2019-346 the Town Board accepted a proposal from Lothrop Associates to provide Architectural, Engineering and Space Planning Services, and

WHEREAS, Lothrop Associates has been working with the Town on the plans and part of the planning process, the Town has determined that certain additional services are necessary and desired in order to address the needs of the design and implementation of the design of a new Town Hall, including services related to Informational Technology, Geo-Tech Services, and compliance with the State Environmental Quality Review Act (SEQRA),

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the proposals from Lotrhrop Associates to provide additional services to the Town as part of the new Town Hall project, specifically the proposal to provide Information Technology Design Services Dated April 4, 2020 in the amount of \$35,000.00; Geo-Tech Services Dated March 23, 2020 in the amount of \$29,840.00 and SEQRA related services Dated March 23, 2020 in the amount of \$17,575.00, and

BE IT FURTHER RESOLVED, that the Supervisor and/or her designee is authorized to execute the agreement as necessary to effectuate this resolution, upon approval by the Town Attorney's Office.

11. TOWN CURATOR / EMPLOYEE #4243 / RETURN TO WORK / EFFECTIVE JULY 20, 2020

RESOLVED, that Town Curator Employee # 4243 shall return to work effective July 20, 2020.

12. MEMORIALIZING RESOLUTION / PAULA BOHOVESKY / NYS PAROLE BOARD / OPPOSING RELEASE OF RICHARD LABARBERA

WHEREAS, the Town of Orangetown wishes to express its continuing condolences to, and support for, the family of Paula Bohovesky, who was brutally raped and murdered forty years ago as Paula' s family asks the New York State Parole Board not to re-release one of her killers, Richard LaBarbera in Peekskill, New York, and

WHEREAS, in 1980, Paula Bohovesky was a talented artist, an aspiring actress and a well-regarded member of the junior class at Pearl River High School; and

WHEREAS, tragically, this young woman, burgeon with energy and a zest for life, was tragically and senselessly murdered just two blocks from her home; and

WHEREAS, the two men who committed this heinous crime after a day spent drinking in a local bar received the maximum penalty for murder then allowed in New York State, twenty- five years to life in prison; and

WHEREAS, one of these men, Richard LaBarbera, was released from prison by the New York State Parole Board in 2019 and subsequently returned to prison when he was found to be intoxicated in a bar, and

WHEREAS, Paula' s family and friends, as well as those living in Orangetown at the time, can still recall the horror of that day; and

WHEREAS, it has been reported that Richard LaBarbera will be released from prison again, to a location in Peekskill, New York, which is very near to Pearl River, the location of the crime,

WHEREAS, the Town Board of Orangetown has met, considered and by a unanimous vote approved this resolution; now therefore be it

RESOLVED, that the Town Board of Orangetown wishes to express its continuing condolences to and support for the family of Paula Bohovesky, who was brutally raped and murdered forty years ago as Paula's family asks the New York State Parole Board not to release her killer Richard Labarbera, and if he is released, to release him back to Buffalo, New York; and be it further

RESOLVED, the Town Clerk is hereby authorized and directed to send a certified copy of this resolution to Ms. Lois Bohovesky; and to such other persons proper in order to effectuate the purpose of this resolution including the offices of:

- NYS Governor Andrew Cuomo
- NYS Senator David Carlucci
- NYS Assemblywoman Ellen C. Jaffee
- NYS Parole Board

TOWN ATTORNEY

13. APPROVE / AUTHORIZE DENNIS MICHAELS, DEPUTY TOWN ATTORNEY / TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING 134 NORTH BROADWAY / STUART CHAITIN AND JENNIFER CHAITIN v. TOWN, ET AL

RESOLVED, upon the recommendation of the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to execute settlement documents regarding the tax certiorari proceeding Stuart Chaitin and Jennifer Chaitin v. Town of Orangetown, et al., venued in NYS Supreme Court, Rockland County (Index Nos. 033437/2015, 032858/2016, 033140/2017, 034327/2018, 033973/2019), Tax Map designation 66.22-3-13 (134 North Broadway, Village of Nyack), for a total refund by the Town of \$1,069.00, a total refund by the Nyack Union Free School District of \$3,898.00, and a total refund by the County of \$424.00. The Nyack School Board approved this settlement at their 04/07/2020 meeting. 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 Court Order, based upon the settlement, is served on the Rockland County Finance Department.

14. APPROVAL OF 2020 CERTIFICATE OF SEWER REGISTRATION

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 2020 Sewer Work is approved to:

- TAL Services LLC, 176 Erie Street W, Blauvelt, NY 10913, Tel. # 914-403-2758

15. **AUTHORIZE RETAINER AGREEMENT WITH KEANE & BEANE, P.C. / API INDUSTRIES (ALUF) v. TOWN / INDEX NO. 20 CIV 4533 / SDNY**

RESOLVED, on the recommendation of the Town Attorney, approve the retainer of Keane & Beane, P.C. to represent the Town of Orangetown, the Town of Orangetown Town Board, Teresa Kenny in her official capacity as Supervisor and Chris Day in his official capacity as former Supervisor, as defendants in connection with a federal lawsuit filed in the Southern District of New York, under docket 20 civ. 4533, entitled *API Industries dba Aluf Plastics v. Town of Orangetown, et al*, on the terms and conditions set forth in a proposed Retainer Agreement, incorporated by reference herein, and authorize the Supervisor, or her designated representative, to execute a copy thereof.

16. **RESOLUTION TO GRANT COVENANT, HOLD HARMLESS AND INDEMNIFICATION AGREEMENT / SORCE ASSUMMA & SHANKEY FUNERAL HOME / 34 N. SUMMIT STREET, PEARL RIVER (68.19-2-15)**

WHEREAS, Donald Brenner, Esq., as attorney and on behalf of his client, Sorce Assumma & Shankey Funeral Home, property owner of 34 N. Summit Street, Pearl River, New York (68.19-2-15), has applied to the Town Highway Department for permission for a previously constructed canopy that encroaches on the Town right-of-way to remain in place; and

WHEREAS, the matter has been reviewed by the Town Highway Department and the Town Attorney's Office, and the Highway Department and the Town Attorney's Office recommend that the Town allow the canopy to remain in place provided the owner executes and files with the County Clerk a Covenant, Hold Harmless and Indemnification Agreement,

NOW, THEREFORE, BE IT RESOLVED, that the Town hereby grants to 34 N. Summit Street, Pearl River, New York (68.19-2-15), a revocable license, in the form of a Covenant, Hold Harmless and Indemnification Agreement, which provides that the canopy currently encroaching on the Town's right-of-way may remain and the owner of the property, Sorce Assumma & Shankey Funeral Home, must defend, indemnify and hold harmless the Town for any damage related thereto and caused thereby, and that said structure must be removed upon notice as set forth therein, otherwise to be removed by the Town at the expense of the property owner and,

BE IT FURTHER RESOLVED, that the Supervisor or her designee is hereby authorized to execute the Covenant, Hold Harmless and Indemnification Agreement and any and all other documents necessary in order for same to be recorded in the Rockland County Clerk's Office, at the expense of the owner.

17. ACCEPT, RECEIVE AND FILE PERFORMANCE BOND / BERGSON SUBDIVISION PLAN

WHEREAS, Wyandanch Washington Realty LLC, as developer of certain property located at 56 Woods Road, Palisades, New York, and as shown on the Orangetown Tax Map as Section 78.18, Block 1, Lots 3.1 and 3.2, applied for and received subdivision plan approval from the Town of Orangetown Planning Board for said property pursuant to Planning Board decision #18-32, and

WHEREAS, pursuant to the aforesaid approval, the Planning Board required that the applicant post a Performance Bond in the amount of \$102,906.00 to ensure the construction and completion of certain public improvements pursuant to the aforesaid approvals, and

WHEREAS, the applicant has submitted a fully executed Performance Bond dated June 22, 2020, issued by Atlantic Specialty Insurance Company as Surety, on behalf of Wyandanch Washington Realty LLC, as principal, in the amount of \$102,906.00, naming the Town of Orangetown as beneficiary, to insure the completion of public improvements associated with the Bergson Subdivision Plan, which Performance Bond has been approved as to form and substance by the Town Attorney's Office,

NOW BE IT RESOLVED THAT, the Town hereby formally accepts, receives and files with the Office of the Town Clerk a Performance Bond dated June 22, 2020 issued by Atlantic Specialty Insurance Company, on behalf of Wyandanch Washington Realty LLC, as principal, in the amount of \$102,906.00, naming the Town of Orangetown as beneficiary, to insure the completion of public improvements associated with the Bergson Subdivision Plan no later than June 17, 2021, and said bond to be returned only upon satisfactory completion of said public improvements according to the terms of said Bond and Planning Board decision No. 18-32, any Town departments having jurisdiction thereof, and formal resolution of the Town Board.

18. APPROVE / CONSENT TO INCORPORATION OF THE WOODS ROAD SEWAGE WORKS CORP. / ACCEPT, RECEIVE AND FILE SEWAGE WORKS PERFORMANCE BOND

NOW BE IT RESOLVED, on application of Wyandanch Washington Realty LLC, owner of the premises located at 56 Woods Road, Palisades, New York, and as shown on the Orangetown Tax Map as Section 78.18, Block 1, Lots 3.1 and 3.2, the Town Board consents to the formation and incorporation of the Woods Road Sewage Works Corp., pursuant to Article 1, Section 3 and Article 10 of the New York State Transportation Corporations Law, for the purposes set forth in the proposed Certificate of Incorporation, made a part of this Resolution.

NOW BE IT ALSO RESOLVED, the Town hereby formally accepts, receives and files with the Office of the Town Clerk a Performance Bond dated June 22, 2020 issued by the Atlantic Specialty Insurance Company, on behalf of Wyandanch Washington Realty LLC, as principal, in the amount of \$76,050.00, naming the Town of Orangetown as beneficiary, to insure the completion of the private sewer installation by Wyandanch Washington Realty LLC, no later than June 17, 2021 and said bond to be returned only upon satisfactory completion of said installation according to the terms of said Bond, the Bergson Private Sewer Installation Cost Estimate Form, and formal resolution of the Town Board.”

POLICE

19. CREATE POSITION / POLICE OFFICER / FRENCH/CREOLE SPEAKING

RESOLVED, upon the recommendation of the Chief of Police and upon the approval of Rockland County Personnel, create the position of Police Officer (French/Creole Speaking) in the Orangetown Police Department.

20. APPROVE MEMORANDUM OF UNDERSTANDING WITH THE COUNTY OF ROCKLAND, RELATING TO THE REGIONAL INVESTIGATIVE RESOURCE CENTER

WHEREAS, the County of Rockland, through the Office of the Rockland County District Attorney, is desirous of entering into agreements with local municipal police departments to form a regional investigative resource center to create a “shared services” environment to effectively and efficiently utilize all resources to secure justice and public safety in the 21st Century; 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 and other local police departments in this important venture; 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 Memorandum of Understanding (“MOU”) by and between the County of Rockland and the Town of Orangetown, which MOU was previously approved by Resolution 159 of 2020 of the Rockland County Legislature, pursuant to which the Town agrees to participate in the Regional Investigative Resource Center (RIRC) in accordance with the terms of the said MOU, for the period January 1, 2020 thru December 31, 2020; and

IT IS FURTHER RESOLVED, that the Supervisor is hereby authorized to sign such MOU and to take further steps as may be necessary to effectuate its terms.

PARKS AND RECREATION

21. APPROVE / LEND AID / 2020 "ORANGEBIKE" ROAD FAMILY BIKE DAY / SUNDAY, JULY 19TH (RAIN DATE JULY 26TH)

RESOLVED, upon the completion of all necessary paperwork for the Orangetown Highway Department, Rockland County Highway Department and after meetings with the Orangetown Police Department , the Superintendent of Parks & Recreation has forwarded for approval by the Town Board the "OrangeBike" Road Family Bike Day event to be held on the grounds of Blue Hill Plaza as well as local and county roadways. This event will be a 3 hour event allowing Orangetown families a new and unusual bike way. Funds for this event already exist in the budget for 7310.457.

The following has been requested from Orangetown Highway:

- Cones
- Barricades
- Roadway Signage
- Detour Signage

Rockland County Highway:

- Personnel and Cones to be place from Blue Hill Plaza to Lester Drive
- Roadway Signage

The following has been requested from the Orangetown Police Department:

- Auxiliary Police (# TBD by Orangetown Police Administration)
- Roadway Signage

The following has been requested from United Rentals:

- 5 Porta-Johns

22. ACCEPT DONATION / MEMORIAL BENCH / CONOR GRANT

RESOLVED, upon the recommendation of the Superintendent of Parks and Recreation accept with gratitude the donation of a memorial bench to be placed at Veterans Memorial Park. Engraving will read:

In Loving Memory of Conor Grant
10-09-1992 - 10-01-2017

23. ACCEPT DONATION / MEMORIAL BENCH / BARRY G. FORMAN USAF

RESOLVED, upon the recommendation of the Superintendent of Parks and Recreation accept with gratitude the donation of a memorial bench to be placed at the Sparkill Playground. Engraving will read:

In Honor of Barry G. Forman USAF
"Barry's Bench"

24. **AWARD CONTRACT / PETTINELLI RECREATION / MIRACLE RECREATION/
SOURCEWELL CONTRACT #030117-LTS / PLAYGROUND EQUIPMENT
REPLACEMENT**

RESOLVED, upon the recommendation of the Superintendent of Parks and Recreation award the contract for the replacement of playground equipment at; Pilgrim Court and Tappan Park to Pettinelli Recreation / Miracle Recreation as per Sourcewell Contract # 030117-LTS in an amount not to exceed \$250,000 charged to account H.7110.200.08.

BUILDING

25. **APPROVE EXTENSION OF EXPIRATION DATES FOR LAND USE
APPROVALS / BUILDING PERMITS / ZBA and PLANNING BOARD
APPROVALS**

WHEREAS, on March 7, 2020, the Governor of the State of New York issued Executive Order No. 202 and declared a State disaster emergency for the entire State of New York with respect to the COVID-19 pandemic and to date has issued forty five Executive Orders as part of the State of Emergency, and

WHEREAS, on or about June , 2020, the Governor signed into law, identified as Chapter 111 of the Laws of 2020, a provision which authorizes local governments to extend for a period of up to 120 days the expiration date of any building permits, Zoning Board of Appeals approvals and Planning Board approvals that were issued prior to March 7, 2020 and still active as of that time, and

WHEREAS, the Town Board wishes to adopt such a resolution since construction activities were prohibited for several months during the pandemic and extension of the expiration dates is in the best interests of the Town so as to avoid the unnecessary burden for requests for extensions on both the Town and the permittees,

NOW, THEREFORE, BE IT RESOLVED that pursuant to Chapter 111 of the Laws of 2020 of the State of New York, the Village Board hereby authorizes the extension of the expiration date for any Building Permits, Zoning Board of Appeals approvals and Planning Board approvals that were active on and not expired as of March 7, 2020, for a period of 120 days from their original expiration date.

DEME

26. **AUTHORIZE / 2 MARYCREST ROAD / MONICA ALEXANDRA / OUT OF DISTRICT
SEWER CONNECTION**

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Management and Engineering and the Town Attorney, request of Monica Alexandra, 2 Marycrest Road, West Nyack, New York, Tax Map No. 69.07/1/8, for out of district sewer service to the Rockland County Sewer District No. 1, because sewer service is not available through the Orangetown Sewer System, is hereby approved, subject to approval by the Rockland County Sewer District No. 1.

AUDIT

27. PAY VOUCHERS

RESOLVED, upon the recommendation of the Finance Director, Jeff Bencik, the Finance Office is hereby authorized to pay vouchers for a total amount of six (6) warrants for a total of \$2,746,048.29.

EXECUTIVE SESSION

28. ENTER EXECUTIVE SESSION

RESOLVED, at ___ pm, the Town Board entered Executive Session to discuss proposed, pending or current litigation.

ADJOURNMENTS

RESOLUTION TO RE-ENTER RTBM / ADJOURNED / MEMORY

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

- ❖ **Frank Dobbs**, *Tappan*
- ❖ **Marion Louise Dolan**, *longtime resident of Pearl River*
- ❖ **Joan Kney**, *Pearl River*