



**TOWN OF ORANGETOWN TOWN BOARD MEETING**

**Tuesday September 28, 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:**

- ◆ **October 16, 2021 (Saturday) 8:00 am - 11:30 am / Free Drive- Thru Shredding Event at Orangetown Town Hall held by the Town Clerk's Office / Please bring nonperishable food items as a donation to People to People / Help someone get ahead while you shred!**
- ◆ **Public Hearing is scheduled for the RTBM of October 26, 2021 at 7:05 P.M. Re: Amending Chapter 5 (Building Construction and Fire Prevention) / Adopt the NYStretch Energy Code - 2020**

**PRESENTATIONS:**

- ◆ **Presentation of the Proclamation Honoring Larry Costello by Paul Valentine**

**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. **SET DATE / PUBLIC HEARING / RTBM OF OCTOBER 12, 2021, AT 7:00 P.M. / INTENT TO BE LEAD AGENCY / SEQRA 2022 – 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 12, 2021 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 2022 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.

4. **SET DATE / PUBLIC HEARING / RTBM OF OCTOBER 12, 2021, AT 7:10 P.M. / INTENT TO BE LEAD AGENCY / SEQRA / 2022 – ONE YEAR CONTRACT / ORANGETOWN LIBRARY DISTRICT (BLAUVELT, ORANGEBURG, TAPPAN, AND PALISADES LIBRARIES)**

**RESOLVED**, that the Town Board hereby sets October 12, 2021 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 2022; 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.

5. **SET DATE PUBLIC HEARING / RTBM OF OCTOBER 12, 2021 AT 7:30 P.M. / 2022 PRELIMINARY BUDGET**

**RESOLVED**, that the Town Board hereby sets October 12, 2021 at 7:30 p.m. for a public hearing on the 2022 Preliminary Budget, and authorizes the Town Clerk to publish the meeting notice, and authorizes the Finance Department to publish it on the Town website and file in the Town Clerk’s office for public viewing.

6. **2022 TOWN SUPERVISOR'S TENTATIVE BUDGET DISTRIBUTED / RECEIVED / FILED**

**RESOLVED**, that the 2022 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](http://www.orangetown.com)).

7. **CREATION OF THE ORANGETOWN COMPREHENSIVE PLANNING COMMITTEE / APPOINTING A CHAIRPERSON AND MEMBERS / THE SETTING OF PUBLIC MEETINGS**

**RESOLVED** that the Town of Orangetown Comprehensive Planning Committee (CPC) is hereby created for the purpose of acting as liaison between the Town and the Town's consultant, AKRF, and between the Town and the Town's residents with regard to the development of an updated Comprehensive Plan for the Town, and;

**IT IS FURTHER RESOLVED** that Town of Orangetown Supervisor Teresa Kenny is named the Chairperson of the Town of Orangetown Comprehensive Planning Committee, and the following Town of Orangetown employees are appointed as members of said committee: Allison Kardon, Confidential Assistant to the Supervisor; Jane Slavin, Director of the Department of Building, Zoning, Planning, Administration and Enforcement; Jim Dean, Superintendent of Highways; Eamon Reilly, Commissioner of the Department of Environmental Management and Engineering; Aric Gorton, Superintendent of Parks, Recreation and Buildings; and Richard Pakola, Deputy Town Attorney, and;

**IT IS FURTHER RESOLVED** that the CPC and AKRF shall hold a public workshop on October 18, 2021 at 7:00 PM and on any other dates and times that they determine are necessary, so long as public notice is provided, and;

**IT IS FURTHER RESOLVED** that the CPC shall hold a public meeting on October 27, 2021 at 12:30 PM and on any other dates and times that the Chairman determines is necessary, so long as public notice is provided.

8. **\*\*\*Place Holder\*\*\* APPROVE / MEMORANDUM OF UNDERSTANDING / HNA PALISADES**

9. **AUTHORIZE SETTLEMENT / ALUF v. TOWN / ROCKLAND INDEX NO. 034875/2019 / US DISTRICT COURT Civ No. 20-cv-4533**

**WHEREAS**, there is a lawsuit pending before the New York State Supreme Court, County of Rockland, entitled *API Industries, Inc. d/b/a ALUF Plastics v. Town of Orangetown, et al.*, (Sup. Ct. Rockland Co. Index No. 034875/2019, *et seq.*), which seeks (a) an order annulling a decision rendered by the Town of Orangetown Zoning Board of Appeals on June 19, 2019 that revoked a performance standards approval decision and related building permit previously issued to API Industries, Inc. d/b/a ALUF Plastics ("ALUF") for work performed at its facility located at 2 Glenshaw Street, Orangeburg, New York, (b) an order reinstating the revoked approval and building permit and directing the issuance of a certificate of occupancy for the work performed by ALUF at this facility and (c) monetary damages for lost productivity and costs(the "State Court Action"); and

**WHEREAS**, there is an additional litigation pending before the United States District Court for the Southern District of New York, entitled *API Industries, Inc. d/b/a ALUF Plastics v. Town of Orangetown*, Civ. No. 20-cv-4533 (S.D.N.Y.), which challenges the constitutionality of odor performance standards promulgated by the Town of Orangetown on their face and as applied to ALUF and seeks declaratory, equitable and monetary relief pursuant to 42 USC 1983 (the "Federal Action"); and

**WHEREAS**, the Town of Orangetown has appeared in both litigations and contests the allegations and claims raised therein; and

**WHEREAS**, proposed settlement terms have been reached between the parties, by which the State Court Action and Federal Action will be voluntarily resolved and discontinued as against the Town; and

**WHEREAS**, pursuant to these proposed settlement terms, ALUF will undertake improvements at its 2 Glenshaw Street facility intended to improve ventilation and external emissions, subject to appropriate review and approval by the Town; and

**WHEREAS**, pursuant to these proposed terms of settlement, the Town will not admit or concede any liability or wrongdoing on its part, or on the part of its officials and employees; and

**WHEREAS**, the Town Board has evaluated the proposed terms of settlement, as set forth in a draft Stipulation of Settlement proposed for entry in the State Court Action, and has determined that the voluntary resolution and discontinuance of the State Court Action and Federal Action is prudent in light of the commitments to be undertaken by ALUF, and the cost and uncertainty posed by continuation of these lawsuits;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes the settlement of the State Court Action and Federal Action upon terms consistent with those set forth in draft Stipulation of Settlement proposed for entry in the State Court Action; and

**BE IT FURTHER RESOLVED**, that that the Town Attorney and counsel for the Town of Orangetown, Keane & Beane, P.C., together with the Town Administration, are hereby authorized to undertake such actions as are necessary to effectuate the settlement of the State Court Action and Federal Action, including the execution and submission of a final Stipulation of Settlement to the Supreme Court, Rockland County, a Stipulation of Settlement and/or Discontinuance with the United States District Court for the Southern District of New York and any actions called for under the settlement terms with regard to violations and proceedings pending before the Justice Court of the Town of Orangetown entitled *People of the State of New York v. API Industries, Inc.*

## **TOWN BOARD / IT**

### **10. APPROVE / SURPLUS IT EQUIPMENT**

**RESOLVED**, that upon the recommendation of the Director of Automated Systems, that the Town Board hereby approves for surplus the attached list of surplus IT equipment.

<b>Brand/Model</b>	<b>Serial #</b>
HP ProLiant G5	2UX993073F
HP ProLiant G55	2UX824012B
HP ProLiant G5	2UX822038H
HP ProLiant G5	2UX93302D6
HP ProLiant G6	2UX9390TVA
HP ProLiant G6	LYD10A86240JH
HP ProLiant G7	1WCR10A862HOLC

## TOWN ATTORNEY

### 11. DOMINICAN COLLEGE WATERCOURSE DIVERSION / RECEIVE AND REFER OUT

**RESOLVED**, that Dominican College's application for a watercourse diversion permit pursuant to Town of Orangetown Town Code Section 41-2, relating to property located at 470 Western Highway, Orangeburg, New York, Section 74.06, Block 3, Lots 1.1 and 1.3, is hereby received and referred to the Orangetown Planning Board, Orangetown Highway Department, Orangetown Department of Building, Zoning, Planning, Administration and Enforcement, and Orangetown Department of Environmental Management and Engineering, all of which Departments are directed to provide letters to the Town Board, copying the Town Clerk, prior to the public hearing on this matter, outlining their respective positions on the said watercourse diversion application, and;

**BE IT FURTHER RESOLVED** that the watercourse diversion application from Dominican College, for property located at 470 Western Highway, Orangeburg, New York, Section 74.06, Block 3, Lots 1.1 and 1.3, is also referred to Rockland County Planning Board, Rockland County Drainage Agency, Rockland County Highway Department, and the New York State Department of Environmental Conservation.

### 12. SET PUBLIC HEARING DATE / RTBM OF NOVEMBER 30, 2021 AT 8:00 P.M. / DOMINICAN COLLEGE / APPLICATION FOR WATERCOURSE DIVERSION PERMIT

**RESOLVED** that the Town Board will entertain the application for a watercourse diversion permit from Dominican College, relating to property located at 470 Western Highway, Orangeburg, New York, Section 74.06, Block 3, Lots 1.1 and 1.3, only after the Orangetown Planning Board has granted preliminary site plan approval conditioned upon the Town Board's granting of the requested watercourse diversion permit, and

**BE IT FURTHER RESOLVED**, subject to the Orangetown Planning Board preliminary approval of the site plan, November 30, 2021 at 8:00 PM is hereby set for a public hearing to consider Dominican College's application for a watercourse diversion permit, relating to property located at 470 Western Highway, Orangeburg, New York, Section 74.06, Block 3, Lots 1.1 and 1.3.

## PARKS AND RECREATION

### 13. CREATE POSITION / CLERK / PARKS AND RECREATION

**RESOLVED**, that upon the recommendation and approval of a P.O. 27 by Rockland County Personnel, create the position of Clerk in Parks and Recreation, Grade 2, Step 1, at a salary of \$39,996.00. This is for the purpose of posting the position.

14. **APPOINT / KEVIN CONKLIN / GROUNDS EQUIPMENT REPAIRER / GROUNDSWORKER / PARKS DEPARTMENT / EFFECTIVE SEPTEMBER 29, 2021**

**RESOVLED**, that upon the recommendation of the Superintendent of Parks, Recreation and Building Maintenance, appoint KEVIN CONKLIN to the position of Grounds Equipment Repairer/Groundswoker in the Department of Parks, Recreation and Building Maintenance, Grade 15, Step 1 at a starting salary of \$72,685.00. (This position was vacated due to retirement and is funded in the budget.) effective September 29, 2021.

**POLICE**

15. **AGREEMENT/ ROCKLAND COUNTY REIMBURSEMENT OF THE COSTS OF LAW ENFORCEMENT OVERTIME COUNTER- TERRORISM TRAINING**

**WHEREAS**, Rockland County, in an effort to provide financial assistance to local law enforcement and make a disbursement of grant funds from the LETPP and SHSP grants to the Town for law enforcement purposes only, and;

**WHEREAS**, the County of Rockland has agreed to reimburse the Town of Orangetown for the cost of law enforcement overtime for counter-terrorism training, and;

**WHEREAS**, the County of Rockland, pursuant to its Resolution No. 425 of 2021 has agreed to recommend to the County Executive to approve the aforesaid Intermunicipal Agreement and to reimburse the Town of Orangetown in the amount of \$32,197.00 for the above referenced overtime related to counter-terrorism training for the period covering September 1, 2018 through August 31, 2019, and;

**WHEREAS**, Article 5-G of the General Municipal Law authorizes municipal governments to perform together that which each government is authorized to perform individually and requires that any inter- municipal agreement be approved by each participating municipal corporation by a majority vote of its governing body, and;

**WHEREAS**, the Town Board finds and determines that such agreement and reimbursement for training is in the best interests of the good and welfare of the Town in the operations of its governmental functions, and;

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board hereby approves entering into the Inter - Municipal Agreement between the Town of Orangetown and County of Rockland as set forth in the County's Resolution No 425 of 2021 with respect to the reimbursement of the sum of \$32,197.00 for overtime costs incurred for counter-terrorism training, and authorizes the Supervisor and/or Chief of Police to execute the aforesaid Inter-Municipal Agreement and any and all documents necessary to effectuate same.

## **HIGHWAY / POLICE**

16. **APPROVE/ LEND ASSISTANCE/ NOBLE NINTH, INC. / TRAUBENFEST / SUNDAY, OCTOBER 3RD, 2021**

**RESOLVED**, that 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, barrels, and sidewalk barrier on road edge from the Highway Department and auxiliary police detail from the Police Department for The Noble Ninth Inc. "Traubenfest ", Sunday, October 3, 2021.

## **DEME**

17. **CREATE POSITION / ACCOUNT CLERK-TYPIST / PART-TIME / DEME**

**RESOLVED**, that upon the recommendation and approval of a P.O. 27 by Rockland County Personnel, create the position of Account Clerk-Typist / Part-Time / in DEME (Department of Environmental Management and Engineering) at a rate of \$24.00 per hour. This is for the purpose of posting the position.

## **BUILDING**

18. **APPOINT / STEVEN NEUENDORF / ASSISTANT FIRE SAFETY INSPECTOR / EFFECTIVE DATE OCTOBER 12, 2021**

**RESOLVED**, upon the recommendation of the Director of OBZPAE, STEVEN NEUENDORF is hereby appointed to the position of Assistant Fire Safety Inspector, probationary, Grade 15, Step 1, at a salary of \$71,432.00, effective date October 12, 2021.

## **AUDIT**

19. **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 three (3) warrants (attached) for a total of \$1,340,451.87.

## **EXECUTIVE SESSION**

20. **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**

### **21. RE-ENTER RTBM / ADJOURNED / MEMORY**

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