



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).

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 Chairperson determines is necessary, so long as public notice is provided.

8. **AUTHORIZING THE SUPERVISOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF ORANGETOWN AND REVEIL LLC**

WHEREAS, the Town of Orangetown ("Town") and Reveil LLC ("Developer") (collectively, the "Parties") wish to enter into a Memorandum of Understanding ("MOU") with respect to the development of certain property known as HNA Palisades Center, located at 334 Route 9W, Palisades, New York (Parcel ID: 78.13-1-1) ("Property"); and,

WHEREAS, the subject Property has been vacant for approximately four (4) years, and is not being properly maintained or contributing to the economic growth and well being of the community; and,

WHEREAS, while the current owner, HNA Training Center NY, LLC ("HNA") has indicated a desire at times to possibly continue to own and manage the Property, the Town is aware of no tangible or imminent plans in that regard; and,

WHEREAS, the Parties acknowledge that the Town presently does not have ownership or control of the Property, and that it is owned by HNA; and,

WHEREAS, upon execution of the MOU, the Town and the Developer each covenant in good faith to diligently and reasonably cooperate to negotiate with HNA to acquire and redevelop the Property; and

WHEREAS, the Developer proposes to develop a mixed-use project, including, a refurbished branded destination hotel, a restaurant and bar, a gym and spa and event space, various green facilities, a working farm, glamorous camping ("Glamping"), recording studio, co-working and other creative workshop spaces, possible residential townhouse

development, as well as catering and test kitchens (“Development Proposal” or “Project”); and,

WHEREAS, the Parties desire to enter into the MOU to set forth the initial terms and conditions to, among other things, negotiate with HNA to acquire the Property and to enter into a collaborative public-private partnership to redevelop the Property in accordance with the Development Proposal and the initial terms and conditions set forth in the MOU; and,

WHEREAS, once the Developer acquires the Property, the Town and Developer contemplate entering into a more comprehensive Land Development Agreement, which will more fully and specifically set forth the agreements between the Town and the Developer with respect to the Property and the Project; and,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves of the terms and conditions of the proposed Memorandum of Understanding between the Town of Orangetown and Reveil, LLC in substantial form as attached and authorizes the Supervisor to execute same on behalf of the Town of Orangetown.

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; and,

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.*

10. **ACCEPT PETITION/REQUEST FOR ZONE CHANGE AND DIRECT CIRCULATION OF PROPOSED LOCAL LAW, AMENDING TOWN ZONING MAP**

WHEREAS, the owner of premises located at 100 Corporate Drive, Blauvelt, New York, tax lot 65.18/1/16) being located partially in the “LI” (Light Industrial) zoning district and the LIO (“Light Industrial-Office) zoning district, has petitioned the Town Board to change the zoning classification of the property to that of “LI” (Light Industrial) for the entirety of the property; and,

WHEREAS, upon preliminary review, the Town Board is favorably disposed to such a change, because the zoning boundary line runs through the property, which is a single tax parcel consisting of 6.92 acres of land, and the parcel has been primarily used in accordance with the regulations of the “LI” zoning district; and,

WHEREAS, the Town Board wishes to proceed with its consideration of the proposed action, toward which end it wishes to commence the environmental review process, as well as review by other interested agencies; and,

WHEREAS, upon review of the Petition, and a Short Environmental Assessment Form prepared at the Town Board’s request by the Office of Building, Zoning, Planning and Administration and Enforcement, 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;
- Rockland County Highway Department

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 Petition and a proposed Local Law, amending the Town Zoning Map, 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.

11. SET DATE / PUBLIC HEARING / RTBM OF NOVEMBER 9, 2021, AT 7:05 P.M. / PROPOSED ZONE CHANGE FOR 100 CORPORATE DRIVE, BLAUVELT, NY

RESOLVED that the Town Board will hold a public hearing on November 9, 2021 at 7:05 p.m., on a proposed Local Law, as follows, amending Chapter 43, § 2.2, establishing the Town Zoning Map, to change the zoning district of the parcel known as 100 Corporate Drive, in the hamlet of Blauvelt, tax lot 65.18/1/16 from “LI” and “LIO” to “LI” in its entirety.

TOWN BOARD / IT

12. 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.

Brand/Model	Serial #
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

13. **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.

14. **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

15. **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.

16. **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

17. AUTHORIZE 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

18. APPROVE/ LEND ASSISTANCE / NOBLE NINTH, INC. / TRAUBENFEST / SUNDAY, OCTOBER 3, 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

19. 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

20. 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

21. 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

22. 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

23. RE-ENTER RTBM / ADJOURNED / MEMORY

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