



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday November 09, 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:

- ◆ The following Public Hearings are scheduled for November 30, 2021:
 - Amending Chapter 5 (Building Construction and Fire Prevention) / Adopt the NY STRETCH Energy Code – 2020 (Amended Based on Recommendations by NYSERDA) - 7:45 pm
 - Dominican College / Application for a Watercourse Diversion Permit - 8 pm
- ◆ The following Public Hearing is scheduled for December 14, 2021:
 - Rockland Cider Works / Petition for Special Permit - 7:05 pm
- ◆ Presentation by Verizon regarding renewal of Franchise Agreement will be on Tuesday November 30th at the Regular Town Board Meeting.

PRESENTATIONS:

- ◆ Veterans Day Poem entitled *THIS VETERANS DAY, 2021*, composed by Ms. Rose Marie Raccioppi, Orangetown Poet Laureate.

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 OF NOVEMBER 9, 2021 AT 7:05 P.M. / PROPOSED ZONE CHANGE FOR 100 CORPORATE DRIVE, BLAUVELT, NY**

RESOLVED, that the Public Hearing regarding the proposed zone change for 100 Corporate Drive, Blauvelt, NY, is hereby opened.

PRESENTATION of Affidavit of Public Hearing posting and publication.

SUMMARY OF COMMENTS:

4. **CLOSE/CONTINUE / PUBLIC HEARING / PROPOSED ZONE CHANGE FOR 100 CORPORATE DRIVE, BLAUVELT, NY**

RESOLVED, that the Public Hearing regarding the proposed zone change for 100 Corporate Drive, Blauvelt, NY is hereby closed or continued to _____.

5. **ADOPT A NEGATIVE DECLARATION WITH RESPECT TO LOCAL LAW NO. ___ OF 21, AMENDING THE TOWN ZONING LAW TO CHANGE THE ZONING DISTRICT, TAX LOT 65.18/1/16 FROM “LI” and “LIO” to “LI” IN ITS ENTIRETY**

WHEREAS, the Town Board has considered the adoption of an amendment to Chapter 43, § 2.2, of the Town Code, establishing the Town Zoning Map, to change the zoning classification of the entire 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.

WHEREAS, on or about 9/28/2021 pursuant to Town Board Resolution 2021-379 the Town Board circulated amongst various potential interested agencies notice of its intention to assume Lead Agency status for the purpose of the environmental review of the above referenced action; and

WHEREAS, being the only Involved Agency, the Town Board hereby assumes the role of Lead Agency for environmental review; and

WHEREAS, acting in its capacity as Lead Agency for environmental review, and after taking a “hard look” at all of the potential environmental impacts that might result from the proposed action, the Town Board has concluded that there will be no significant environmental impact or effect caused or occasioned by the proposed change in the zoning classification of the three parcels affected by the proposed Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the Negative Declaration annexed hereto, and authorizes the Town Supervisor or her designated agent to execute the Environmental Assessment Form and to take such other and further steps as may be necessary to discharge the Town Board’s responsibilities as Lead Agency.

6. **ADOPT LOCAL LAW NO. ____ OF 2021 / AMENDING TOWN ZONING MAP FOR 100 CORPORATE DRIVE BLAUVELT/ FROM LI AND LIO ZONING DISTRICTS TO LI ZONING DISTRICT IN ITS ENTIRETY**

WHEREAS, the Town Board of the Town of Orangetown (the “Town Board”) is the duly elected legislative body of the Town, authorized to adopt zoning text amendments to the Town’s Zoning Law; and

WHEREAS, the Town Board has considered the adoption of an amendment to Chapter 43, § 2.2 to change the zoning district of the entire parcel known as 100 Corporate Drive in the hamlet of Blauvelt, tax lot 65.18/1/16 being located in both the “LI” (Light Industrial) and “LIO” (Light Industrial-Office) zoning districts, to change the zoning classification of the entire property to that of “LI” (Light Industrial),

WHEREAS, by Resolution No. __ of 2021, after notice duly given, and there being no other involved agency, by resolution duly adopted this 9th day of November, 2021, the Town Board assumed the role of Lead Agency under SEQRA for environmental review, and, acting in its capacity as such, concluded that there will be no significant environmental impact or effect caused or occasioned by the proposed change in the Town’s Zoning Law and determines the issuance of Negative Declaration is appropriate; and

WHEREAS, following due notice, a public hearing was conducted on the proposed zone change amendment; and

WHEREAS, the Board has concluded that the proposed zone change which simply changes the zoning classification of the subject parcel, which has already partially developed in accordance with the “LI” zoning district, is consistent with the Town’s Master Plan and route 3030 Overlay Zone, and otherwise is in the best interests of the Town and the owner of the parcel, who has requested the change of zoning classification; and

WHEREAS, the Town Planning Board, pursuant to Town Code Chapter 43, § 10.5, and the County Planning Department, pursuant to General Municipal Law §§ 239 l & m, have each reviewed the proposed law; and

WHEREAS, the Town Planning Board, by Memorandum, dated 10/27/2021, following due consideration at a public meeting held on the same date, has offered no comment; and

WHEREAS, the County Department of Planning, by letter review dated November 4, 2021, has recommended modifications as set forth therein. To the extent any comments are not considered addressed, for the reasons set forth below and to the extent necessary, the Board hereby overrides the comments for the reasons set forth below:

Comment No. 1. The Town has commenced the process for updating its comprehensive plan and will take these comments into account and address the issue at that time.

NOW, THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, AND THE FINDINGS MADE HEREIN, BE IT RESOLVED, that the Town Board hereby adopts the within Local Law, amending the Town Zoning Law, and the Town Zoning Map made a part of the Town Code at Chapter 43, § 2.2., and changes the zoning classification of the referenced parcel located at 100 Corporate Drive, Blauvelt, New York, tax lot 65.18/1/16 to "LI" (Light Industrial) in its entirety.

(SEE LOCAL LAW ATTACHED)

7. RESUME PUBLIC HEARING / RTBM OF NOVEMBER 9, 2021 AT 7:10 P.M. / 2022 PRELIMINARY BUDGET

RESOLVED, that the Public Hearing regarding the 2022 Preliminary Budget from 10/26/2021 is hereby resumed.

8. CLOSE PUBLIC HEARING / 2022 PRELIMINARY BUDGET

RESOLVED, that the public hearing regarding the 2022 Preliminary Budget is hereby closed.

9. APPROVE AMENDMENTS / 2022 PRELIMINARY BUDGET

Note: Vote on amendments to the 2022 Preliminary Budget

See Attached Schedule

10. ADOPT 2022 PRELIMINARY BUDGET AS AMENDED

RESOLVED, that the Town Board hereby adopts the 2022 Preliminary Budget, as amended, as the 2022 Final Budget.

BE IT FURTHER RESOLVED, the Director of Finance is authorized to adjust the fund balance to accommodate these changes, all the while, staying under the levy tax cap.

BE IT FURTHER RESOLVED, the Director of Finance is authorized to make the 2022 Final Budget available on the Town's website and file it in the Office of the Town Clerk.

11. **APPROVE/ ONE YEAR CONTRACT/ FIRE PROTECTION SERVICES / BLAUVELT FIRE PROTECTION DISTRICT / BLAUVELT VOLUNTEER FIRE COMPANY, INC.**

RESOLVED, that the Town Board hereby approves a ONE (1) year contract with the Blauvelt Volunteer Fire Company, Inc. for fire protection services in and throughout the Blauvelt Fire Protection District for calendar year 2022, in the sum of SIX HUNDRED THIRTY-NINE THOUSAND, FIVE HUNDRED FORTY AND 00/100 (**\$639,540.00**) DOLLARS, including Workers Compensation insurance and otherwise in accordance with the terms of the Contract incorporated herein by reference.

12. **APPROVE / ONE YEAR CONTRACT FOR LIBRARY SERVICES / ORANGETOWN LIBRARY DISTRICT / CONTRACTS WITH THE BLAUVELT FREE LIBRARY, THE ORANGEBURG LIBRARY, THE PALISADES FREE LIBRARY AND THE TAPPAN FREE LIBRARY**

RESOLVED, that the Town Board hereby approves a ONE (1) Year Contract with 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 set forth within 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) in the Town for calendar year 2022, as follows:

(A) **BLAUVELT: RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a ONE (1) year contract, on behalf of the Town, as proposed and written, for SEVEN HUNDRED FOURTEEN THOUSAND FOUR HUNDRED AND 00/100 (**\$714,400.00**) DOLLARS, with the Blauvelt Free Library to provide library services to residents of Blauvelt, as well as to the residents of the Sparkill area delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012, within the Town, and otherwise in accordance with the terms of a contract incorporated herein by reference.

(B) **ORANGEBURG: RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a ONE (1) year contract, on behalf of the Town, as proposed and written, for FIVE HUNDRED SEVENTY-ONE THOUSAND TWO HUNDRED AND 00/100 (**\$571,200.00**) DOLLARS, with the Orangeburg Library to provide library services to residents of Orangeburg, as well as to the residents of the Sparkill area delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012, within the Town, and otherwise in accordance with the terms of a contract incorporated herein by reference

(C) **PALISADES: RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a ONE (1) year contract, on behalf of the Town, as proposed and written, for THREE HUNDRED EIGHT-NINE THOUSAND FOUR HUNDRED THREE AND 00/100 (**\$389,403.00**) DOLLARS, with the Palisades Free Library to provide library services to residents of Palisades, as well as to the residents of the Sparkill area delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012, within the Town, and otherwise in accordance with the terms of a contract incorporated herein by reference.

(D) **TAPPAN: RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a ONE (1) year contract, on behalf of the Town, as proposed and written, for SEVEN HUNDRED THIRTY THOUSAND SEVEN HUNDRED FIFTEEN AND 00/100 (**\$730,715.00**) DOLLARS, with the Tappan Free Library to provide library services to residents of Tappan, as well as to the residents of the Sparkill area delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012, within the Town, and otherwise in accordance with the terms of a contract incorporated herein by reference.

13. APPROVE / FUNDING OF 2021 TOWN LEAF REMOVAL OVERTIME BUDGET

RESOLVED, the Town Board hereby authorizes to fund the Highway Department Overtime Accounts in the amount \$198,000. Account, D.5140.012.05, shall be funded in the amount of \$100,000, and Account, D.5140.020.05, shall be funded in the amount of \$98,000 to cover overtime costs associated with the Town's 2021 Leaf Removal Program.

14. APPROVE / AMEND RESOLUTION 2021-346 / ZARIN & STEINMETZ / EXTEND CAP REDEVELOPMENT OF HNA PALISADES

WHEREAS, pursuant to Town Board Resolution No. 2021-155 the Town Board authorized Zarin & Steinmetz to continue to provide professional legal services related to the potential redevelopment and zoning of the property known as HNA Palisades, and

WHEREAS, due to the specialized nature of the work performed to date and the need for additional work, the Town Board, in its discretion, finds it in the best interest of the Town to authorize the expenditure of up to an additional \$15,000.00 to cover additional expected work with respect to this matter, and

WHEREAS, pursuant to the Memorandum of Understanding ("MOU") with Reveil LLC, the selected developer, certain costs and expenses are to be reimbursed by Reveil LLC, according to the terms of the MOU; and,

NOW THEREFORE BE IT RESOLVED, that Town Board hereby amends Resolution 2021-346 by authorizing the allocation of up to an additional \$15,000.00 to be paid to Zarin & Steinmetz, for a total not to exceed \$80,000.00 and authorizes the Finance Director to make payments, upon review and approval of the Supervisor and Town Attorney, in accordance with the terms of this resolution.

15. NEW TOWN HALL ADDITION / SEQRA / DECLARING THE TOWN BOARD TO BE LEAD AGENCY

WHEREAS, in connection with the Town's contemplated construction and funding of an addition to Town Hall, to be located on Town owned land located at the site of the current Town Hall, 26 W. Orangeburg Road, Orangeburg, New York, the Town Board has determined that it is in the overall public interest to undertake to approve, fund, and construct an addition to the existing Town Hall; and

WHEREAS, the process of approving, funding and constructing the Town Hall Addition is subject to review under the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Town Board has determined that the proposed action is an "Unlisted" action pursuant to NYCRR 617.6(a) of the SEQRA regulations, and

WHEREAS, the Town Board is the only Involved Agency in such process,

NOW, THEREFORE, BE IT RESOLVED, that the Town hereby declares itself to be Lead Agency for purposes of environmental review of the proposed action.

16. NEW TOWN HALL ADDITION / SEQRA / ADOPT DETERMINATION OF NON-SIGNIFICANCE / NEGATIVE DECLARATION

WHEREAS, the Town Board has determined that it is in the overall public interest to construct a new addition to portions of the current Town Hall, which would include the eventual demolition of the original Town Hall located on Town owned property at 26 W. Orangeburg Road, Orangeburg, New York; and

WHEREAS, by resolution of even date herewith, the Town Board has declared itself to be Lead Agency under the State Environmental Quality Review Act ("SEQRA") in connection with the proposed action and that such action is an Unlisted action in accordance therewith; and

WHEREAS, the Town Board, acting in its capacity as Lead Agency, has carefully considered the proposed action, including the eventual demolition of the existing southern portion of Town Hall; and

WHEREAS, the Town Board has further reviewed and considered the Full Environmental Assessment Form prepared by the Director of the Town Office of Building, Zoning Planning and Enforcement, and Lothrop Associates, LLP, detailing the type, nature and magnitude of the impacts that might result from the proposed action; and

WHEREAS, having carefully considered all of the above and other documents, and having taken a hard look at all of the potential environmental impacts that might result from the proposed action, the Town Board has concluded that there will be no significant environmental impacts or effects caused or occasioned by the proposed action,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board issues a Determination of Non-significance ("Negative Declaration") with respect to the referenced action in the form annexed hereto, and authorizes the Town Supervisor, or her designated agent, to execute and circulate same as may be required, and to take such other and further steps as may be necessary to discharge the Town Board's responsibilities as Lead Agency in accordance with the applicable provisions of law.

17. NEW TOWN HALL ADDITION / AUTHORIZE REQUEST FOR CONSTRUCTION BIDS / POST NOTICE OF BID REQUEST

RESOLVED, that the Town Clerk's Office, in conjunction with the Office of Building Planning Zoning Administration and Enforcement (OBZPAE) is hereby authorized to issue a Request for Bids for the "Town Hall Addition" as prepared by the architect retained by the Town for that purpose, Lothrop, Associates, LLP, for the purpose of receiving bids to provide General/Civil Construction Work, HVAC Construction Work, Plumbing Construction Work, and Electrical Construction Work with respect to the construction of same.

TOWN ATTORNEY

18. **APPROVE / AUTHORIZE TOWN ATTORNEY TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING RE: 30 CORPORATE DRIVE S/B/L 73.19-1-2, 30 CORPORATE DRIVE, ORANGEBURG**

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 entitled 30 Corporate LLC v. Town of Orangetown, et al., regarding real property commonly known as 30 Corporate Drive, Orangeburg, issued Tax Map Designation 73.19-1-2, for the Tax Assessment years 2017 through 2021, resulting in a total refund (i) by the Town of \$16,125, (ii) by the Pearl River Union School District of \$62,575, and (iii) by the County of \$5,425. Interest on the Town's liability as a result of an Assessment decrease or tax refund is waived if payment is made within sixty (60) days after a copy of the Court Order, based upon this settlement, is served on the Rockland County Finance Department.

POLICE

19. **APPOINT / POLICE OFFICER COLLEEN TAYLOR / PROBATIONARY - PERMANENT**

RESOLVED, upon the recommendation of the Chief of Police, appoint COLLEEN TAYLOR as a resignation / reinstatement to the position of Police Officer/Probationary / Permanent, effective November 22, 2021, at a salary consistent with the terms of the labor agreement between the Town of Orangetown and the Orangetown PBA.

20. **APPOINT / POLICE OFFICER KEVIN DINNEGAN / PROBATIONARY - PERMANENT**

RESOLVED, upon the recommendation of the Chief of Police, appoint KEVIN DINNEGAN as a resignation / reinstatement to the position of Police Officer/Probationary / Permanent, effective November 22, 2021, at a salary consistent with the terms of the labor agreement between the Town of Orangetown and the Orangetown PBA.

PARKS AND RECREATION

21. **APPOINT HUNTER HOVORKA / GROUNDWORKER / PARKS & RECREATION DEPARTMENT / PROBATIONARY / EFFECTIVE NOVEMBER 10, 2021**

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, appoint HUNTER HOVORKA to the position of Groundworker, Probationary, Grade 9, Step 1 at a salary of \$56,418.00, effective November 10, 2021.

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 three (3) warrants (attached) for a total of **\$641,371.86**.

EXECUTIVE SESSION

23. 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

24. RE-ENTER RTBM / ADJOURNED / MEMORY

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

❖ **John Lorusso**, *Resident of Blauvelt*