



**TOWN OF ORANGETOWN TOWN BOARD MEETING**

**Tuesday February 15, 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:**

- ◆ **Masks and COVID-19 Test Kits are available at the Town Clerk's Office.**

**PRESENTATIONS:**

- ◆ **Orangetown Patriots Junior Varsity Pop Warner Cheerleading Team - Second Place in National Championship 2021**
- ◆ **Orangetown Patriots Pee Wee Pop Warner Cheerleading Team - Third Place in National Championship 2021**

**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 PUBLIC HEARING ON PROPOSED CHANGE TO TOWN CODE AMENDING CHAPTER 31C OF THE TOWN CODE TO AUTHORIZE ELECTRIC VEHICLE CHARGING/DISPLAY KIOSKS IN CERTAIN ZONES / MARCH 8, 2022, 7:05 PM**

**RESOLVED** that the Town Board will hold a public hearing on March 8, 2022, at 7:05 p.m., on a proposed Local Law amending Chapter 31C of the Town Code to authorize electric vehicle charging/display kiosks in certain zones.

4. **DECLARATION OF INTENTION OF TOWN BOARD TO SERVE AS LEAD AGENCY PURSUANT TO SEQRA / FOR LOCAL LAW AMENDING CHAPTER 31C / ELECTRIC VEHICLE CHARGING / DISPLAY KIOSKS**

**WHEREAS**, upon review of the proposed Local Law amending Chapter 31C of the Town Code to authorize electric vehicle charging/display kiosks in certain zones, and related documents and filings, the Board makes the following preliminary determinations:

- The proposed action is one subject to review under the State Environmental Quality Review Act (“SEQRA”);
- The proposed action is an “Unlisted” action; and
- The following are involved or interested or involved agencies in the review process: Orangetown Planning Board; Orangetown Architectural Community Board of Review (ACABOR); and Orangetown Zoning Board of Appeals (ZBA);

**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.

5. **REAPPOINT THOMAS WARREN / CHAIRMAN / ORANGETOWN PLANNING BOARD / 2022 / 1-YEAR TERM**

**RESOLVED**, that THOMAS WARREN is hereby reappointed CHAIRMAN to the Orangetown Planning Board for a 1-year term, commencing January 1, 2022 and expiring on December 31, 2022.

6. **APPOINT KEVIN FARRY / MEMBER / ORANGETOWN PLANNING BOARD / 7- YEAR TERM**

**RESOLVED**, that KEVIN FARRY is hereby appointed as MEMBER to the Orangetown Planning Board for a 7-year term, commencing January 1, 2022 and expiring on December 31, 2028.

**7. APPOINT LISA DEFECIANI / ALTERNATE MEMBER / ORANGETOWN PLANNING BOARD / 1-YEAR TERM**

**RESOLVED**, that LISA DEFECIANI is hereby reappointed as an ALTERNATE MEMBER to the Orangetown Planning Board for a 1-year term, commencing January 1, 2022 and expiring on December 31, 2022.

**8. REAPPOINT MARGARET RASO / CHAIRWOMAN / HISTORIC AREAS BOARD OF REVIEW / 2022 / 1-YEAR TERM**

**RESOLVED**, that MARGARET RASO is hereby reappointed Chairwoman to the Historic Areas Board of Review for a 1-year term, commencing January 1, 2022 and expiring on December 31, 2022.

**9. REAPPOINT THANO SCHOPPEL / MEMBER / ORANGETOWN HISTORIC AREAS BOARD OF REVIEW / 5-YEAR TERM**

**RESOLVED**, that THANO SCHOPPEL is hereby reappointed as MEMBER to the Orangetown Historic Areas Board of Review for a 5-year term, commencing January 1, 2022 and expiring on December 31, 2026.

**10. APPOINT ALLAN RYFF/ MEMBER / HISTORIC AREAS BOARD OF REVIEW / 5-YEAR TERM**

**RESOLVED**, that ALLAN RYFF is hereby appointed as MEMBER to the Orangetown Historic Areas Board of Review for a 5-year term, commencing January 1, 2022 and expiring on December 31, 2026.

**11. REAPPOINT DANIEL SULLIVAN / CHAIRMAN / ORANGETOWN ZONING BOARD OF APPEALS / 2022 / 1-YEAR TERM**

**RESOLVED**, that DANIEL SULLIVAN is hereby reappointed CHAIRMAN to the Orangetown Zoning Board of Appeals for a 1-year term, commencing January 1, 2022 and expiring on December 31, 2022.

**12. REAPPOINT ROBERT BONOMOLO, JR. / MEMBER / ORANGETOWN ZONING BOARD OF APPEALS / 5-YEAR TERM**

**RESOLVED**, that ROBERT BONOMOLO, JR. is hereby reappointed as MEMBER to the Orangetown Zoning Board of Appeals for a 5-year term, commencing January 1, 2022 and expiring on December 31, 2026.

**13. REAPPOINT BILLY VALENTINE / ALTERNATE MEMBER / ORANGETOWN ZONING BOARD OF APPEALS / 1-YEAR TERM**

**RESOLVED**, that BILLY VALENTINE is hereby reappointed as an ALTERNATE MEMBER to the Orangetown Zoning Board of Appeals for a 1-year term, commencing January 1, 2022 and expiring on December 31, 2022.

14. **REAPPOINT CHRIS DUNNIGAN / CHAIRMAN / ORANGETOWN ARCHITECTURE AND COMMUNITY ASSESSMENT BOARD OF REVIEW / 1-YEAR TERM**

**RESOLVED**, that CHRIS DUNNIGAN is hereby reappointed as CHAIRMAN to the Orangetown Architecture and Community Assessment Board of Review for a 1-year term, commencing January 1, 2022 and expiring on December 31, 2022.

15. **REAPPOINT SHARON BURKE / MEMBER / ORANGETOWN ARCHITECTURE AND COMMUNITY ASSESSMENT BOARD OF REVIEW / 3-YEAR TERM**

**RESOLVED**, that SHARON BURKE is hereby reappointed as Member to the Orangetown Architecture and Community Assessment Board of Review for a 3-year term, commencing January 1, 2022 and expiring on December 31, 2024.

16. **WAIVE 30-DAY ADVANCE NOTICE / ON-PREMISES ALCOHOLIC BEVERAGE LICENSE / WKC GOLF LLC**

**RESOLVED**, that the Town Board hereby waives the 30-day advance notice to the Town of Orangetown for the on-premises alcoholic beverage license for WKC GOLF LLC.

17. **REVIEW AND APPROVE / THE RESERVE AT PEARL RIVER / SITE PLAN / PROPOSED PLAN DOES NOT SUBSTANTIALLY DEVIATE FROM CONCEPT PLAN**

**WHEREAS**, on July 13, 2021 the Town Board, pursuant to Town Board Resolution 2021-297 adopted Local Law No. 7 of 2021 which granted the petition of The Reserve at Pearl River, LLC as contract purchaser of the property owned by Hunter Douglas North America located on the south side of Veterans Memorial Drive, Pearl River, New York, identified on the tax map of the Town of Orangetown as SBL 73.10-1-6 for a change in zoning classification from Office-Park ("OP") to Planned Adult Community ("PAC"), which project was and is known as "The Reserve at Pearl River", and

**WHEREAS**, the Town Board reviewed an illustrative Site Plan, Traffic Evaluation, Demographic Analysis, Tax Assessment analysis, Housing Plans and Full Environmental Assessment Form pursuant to SEQRA, and

**WHEREAS**, Section 4.612(D) authorizes the Town Board to review any proposed site development plan before preliminary approval by the Planning Board of any development within a PAC zone to determine whether, in the judgment of the Town Board, the proposed plan does not substantially deviate from the final concept plan presented to and reviewed by the Town Board as part of the zone change process, and

**WHEREAS**, the applicant has presented a site development plan to the Planning Board for site plan approval, and the Planning Board has referred same to the Town Board for consideration of the plans compliance with the requirements of Section 4.612(D) and

**WHEREAS**, the Town Board as reviewed the proposed site plan for The Reserve at Pearl River prepared by JMC, PLLC, Armonk, NY dated October 19, 2021 and last revised December 24, 2021,

**NOW THEREFORE BE IT RESOLVED**, the Town Board finds that the proposed site plan for The Reserve at Pearl River tax lot Section 73.10 Block 1 Lot 6 prepared by JMC Site

Development Consultants dated October 19, 2021 and last revised December 24, 2021 does not substantially deviate from the final concept plan presented to and reviewed by the Town Board as part of the Planned Adult Community zone change process, and

**BE IT FURTHER RESOLVED**, that notwithstanding the foregoing and for purposes of clarity, the Town Board previously authorized a maximum unit count of 110. Based upon the zoning bulk table provided as part of the review process and the determination of the Director of OBZPAE, the maximum number of units permitted is 85. To the extent the applicant seeks approval for more than the permitted number of units according to the zoning code and the Director's determination, the applicant shall be required to seek appropriate relief from the Zoning Board of Appeals.

## **TOWN ATTORNEY**

### **18. APPROVAL OF 2022 CERTIFICATE OF SEWER REGISTRATIONS**

**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 2022 Sewer Work is approved to:

- Bertussi Contracting, Inc., 60-70 Dexter Place, Pearl River, NY 10965
- Hewitt Excavating, LLC, 18 Broad Street, Norwood, NJ 07648
- Plumbing Services Corp., d/b/a Roto-Rooter, 525 Waverly Avenue, Mamaroneck, NY 10543
- Carmelo Scaffidi & Sons Blacktopping, Inc., 34 North Route 9W, West Haverstraw, NY 10993

### **19. APPROVAL TO SETTLE CLAIM HECTOR REYES AND MARCIA REYES V. TOWN OF ORANGETOWN**

**WHEREAS**, on or about September 22, 2021, the Town was served with a Notice of Claim from Hector Reyes and Marcia Reyes, for damages covering the cost of vehicle repair and rental car services for an incident that occurred on or about August 3, 2021 involving debris that struck their car during Town maintenance operations, which claim has been investigated by the Town Attorney's Office and a determination to resolve the matter has been made;

**NOW THEREFORE BE IT RESOLVED** that the Town Board hereby agrees to settle a claim by Hector and Maria Reyes for damage to their vehicle as a result of Town maintenance operations, in the full and final amount of \$800.00 and the Supervisor or her designee is authorized to execute any and all legal documents in order to effectuate the enforcement of this resolution.

## **POLICE**

### **20. APPROVE AGREEMENT / POLICE CAPTAIN JAMES ACHESON**

**RESOLVED**, that the Town Board hereby approves the memorandum of agreement by and between The Town of Orangetown and James Acheson, Captain, Orangetown Police Department.

21. **ACCEPT WITH REGRET THE RESIGNATION / RETIREMENT / SERGEANT FRANK BUHLER / EFFECTIVE FEBRUARY 22, 2022**

**RESOLVED**, that upon the recommendation of the Chief of Police, accept with regret, the resignation/retirement of Sergeant Frank Buhler from the Orangetown Police Department effective February 22nd, 2022.

22. **APPROVE LICENSE AGREEMENT WITH TOWN OF RAMAPO RELATING TO USE OF FIRING RANGE / CALENDAR YEAR 2022**

**RESOLVED**, that upon the recommendation of the Town Attorney's Office, authorize the Supervisor to sign a License Agreement for the use of the Town of Ramapo Police Firing Range for calendar year 2022, at "NO COST" to the Town of Orangetown, subject to provisions of insurance and indemnification as in past years.

23. **APPROVE SCHOOL RESOURCE OFFICER (SRO) AGREEMENT / NYACK SCHOOL DISTRICT / NYACK MIDDLE SCHOOL**

**WHEREAS**, the Nyack Union Free School District (NSD) has requested that the Town Police Department assign of a School Resource Officer (SRO) to the Nyack Middle School, which is located in South Nyack, and

**WHEREAS**, NSD has agreed that, as a condition of such assignment, to reimburse to the Town a portion of the cost to the Town for the services of such assignment subject to formal written agreement between the parties and the districts, and

**WHEREAS**, the Town of Orangetown and the NSD are authorized to enter into these separate agreements pursuant to Section 119-0 of the General Municipal Law,

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes the Town to enter into an agreement with the NSD, which has been prepared, reviewed and approved by the Town Attorney's Office, whereby the Town agrees to assign an SRO to the NSD for the remainder of the spring 2022 school year, and the 2022/23 and 2023/24 school years , under the terms and conditions as set forth in the agreement, and the NSD shall reimburse the Town in accordance with the terms of the agreement for each year that an SRO is assigned to the NSD and

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes the Supervisor or her designee to execute the agreements with NSD under the terms and conditions as set forth therein on behalf of the Town of Orangetown and

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes the Chief of Police to execute the agreements with each district on behalf of the Police Department and to administer same on behalf of the Town and the Town Police Department.

24. **AUTHORIZE POLICE PARKING AREA AT TOWN HALL / POLICE AND TOWN PERSONNEL ONLY**

**RESOLVED**, that pursuant to Town Code Section 7A-14, the Police Chief is hereby authorized to designate the police parking area at Town Hall, east side, as restricted to Police vehicles and authorized Town personnel only.

## HIGHWAY / POLICE

### 25. APPROVE / LEND ASSISTANCE / 2022 ST. DOMINIC'S CONVENT 5K NUN RUN/WALK

**RESOLVED**, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes that these two departments lend assistance which includes the use of barricades from the Highway Department, and Auxiliary Police detail from OPD, for the 5K Nun Run/Walk to be held on Saturday, September 24, 2022 from 8:30 am - 11:30 am.

### 26. APPROVE / LEND ASSISTANCE / 2022 9TH ANNUAL FLYING DUTCHMEN 5K/ SATURDAY, MARCH 26, 2022

**RESOLVED**, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes the Town of Orangetown Highway & Police Departments to lend assistance which includes the use of barricades from the Highway Department & (5) Auxiliary Police Officers from the Police Department, for the 9th Annual Flying Dutchmen 5K to be held on Saturday, March 26, 2022, from 9am to 10am.

### 27. APPROVE / LEND ASSISTANCE / ROCKLAND GAA/ MEMORIAL 5K RUN/ SATURDAY, MARCH 26, 2022

**RESOLVED**, that the Superintendent of Highways and Chief of Police have forwarded for approval by the Town Board use of cones and recycling kiosks from the Highway Department and Auxiliary Police Detail from OPD by the Rockland Gaelic Athletic Association for the Rockland GAA Memorial 5K Run on Saturday, March 26, 2022 from 8am-1pm.

## HIGHWAY / POLICE / PARKS

### 28. APPROVE / LEND AID / 2022 ST. PATRICK'S DAY PARADE / PEARL RIVER / SUNDAY, MARCH 20, 2022

**RESOLVED**, upon the recommendation from the Superintendent of Highways, Parks & Chief of Police, that the Town Board hereby authorizes the Town of Orangetown Highway, Parks & Police Departments to lend assistance which includes the use of barricades, trash barrels, message board & painting of the green stripe from the Highway Dept., the showmobile, sound system and port-o-sans for which the cost is to be shared with organization (Ancient Order of Hibernians) from the Parks Dept., & police detail from OPD, for the St. Patrick's Day parade to be held on Sunday, March 20, 2022, from 11 am - 5 pm.

## TOWN CLERK

### 29. ACCEPT / RECEIVE / FILE DOCUMENTS/TOWN CLERK'S OFFICE

**RESOLVED** that the following documents are accepted, received and filed in the Town Clerk's Office:

1. **Town Board Meeting minutes:** January 4, 2022 Re-Organizational Meeting; January 4, 2022 Police Commission and January 18, 2022 Regular Town Board Meeting.
2. **Agreement:** South Orangetown Schools, for use of their pool.

3. **Agreement:** WIIA Grant Program, Clean Water, NYSEFC, No. C3-5345-09-00.
4. **Agreement:** AKRF, Environmental Planning & Engineering Consultants for Additional Services regarding the Comprehensive Plan.
5. **Contract:** Addendum No. 2021067-01, Laberge Engineering & Consulting Group, LTD.
6. **Agreements:** Tappan Free Library & Orangeburg Library.
7. **Agreement:** Louis Caputo; Caretaker for Nike Park.

## AUDIT

### 30. 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 \$2,340,019.34.

## EXECUTIVE SESSION

### 31. ENTER EXECUTIVE SESSION

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

## ADJOURNMENTS

### 32. RE-ENTER RTBM / ADJOURNED / MEMORY

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

❖ **Dr. Robert C. "Doc" Schelin**, *Resident of Tappan who led a Life Dedicated to Public Service:*

- Member of Orangetown Traffic Advisory Board
- Former Member of the Orangetown Parks and Recreation Advisory Committee
- 50-Year Life Member of the Volunteer Fire Association of Tappan
- Retired Dean of Student Affairs and Professor Emeritus of 32 years at St. Thomas Aquinas of History and Political Science