



TOWN OF ORANGETOWN SPECIAL TOWN BOARD MEETING

Tuesday March 29, 2022

This Town Board Meeting was opened at 4:00 PM.

Councilperson Thomas Diviny	_____
Councilperson Paul Valentine	_____
Councilperson Jerry Bottari	_____
Councilperson Brian Donohue	_____
Supervisor Teresa M. Kenny	_____

☼ Pledge of Allegiance to the Flag

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. ACCEPT QUIT CLAIM DEEDS FROM VILLAGE OF SOUTH NYACK

WHEREAS, the voters of the Village of South Nyack elected to dissolve the Village and the Village Board of the Village of South Nyack has adopted a plan for dissolution effective March 31, 2022 pursuant to General Municipal Law Article 17-A; and

WHEREAS, as part of the dissolution plan, the Village wishes to transfer, via quit claim deed, the following properties (with description) to the Town of Orangetown, as of March 31, 2022,

NOW THEREFORE BE IT RESOLVED that, pursuant to New York GML Article 17-A and the dissolution plan adopted by the Village of South Nyack, the Town Board hereby accepts the following property via quit claim deed from the Village of South Nyack, and authorizes the Supervisor or her designee to execute any and all documents necessary to implement the terms of this resolution.

Brookside Ave	66.53-3-6.1	Parking Lot
131 S Franklin St	66.53-2-24	Franklin St. Park
90 Depot Pl	66.45-2-21	Municipal Park
95 S Franklin St	66.45-2-22	Municipal Park by Fire House
101 S Franklin St	66.45-2-24	Municipal Park
115 Piermont Ave	66.46-2-12	Town Park/Town Sewer Dock
315 S Broadway	66.77-1-38	Sitting Area
Piermont Ave	66.78-1-30	Bus Stop-former Pump Stn
282 S Broadway	66.62-1-28	Open Space near Village Hall
Elizabeth Street Park	66.69-1-23	Elizabeth St. Park/Dog Park
Rte 9W	66.77-1-6	Municipal Park-Esposito Trail

4. AUTHORIZE EXECUTION OF ASSIGNMENT AND ASSUMPTION AGREEMENT / SOUTH NYACK / SALE OF 65 BROOKSIDE

WHEREAS, pursuant to New York General Municipal (“GML”) Law Article 17-A and a dissolution plan adopted by the Village of South Nyack (“the Village”) dated July 30, 2021, the Village will officially dissolve as of March 31, 2022; and,

WHEREAS, the Town of Orangetown (“the Town”) shall formally serve as the Village’s successor municipality as of April 1, 2022; and,

WHEREAS, the Village entered into a contract dated February 23, 2022 to sell the property at 282 S. Broadway, South Nyack, New York 10960 (S/B/L 66.70–1-21), known as the South Nyack Village Hall property (“South Nyack Village Hall”), to Richard DeMan or his corporate assignee for the sum of \$615,050.00; and,

WHEREAS, the Village also entered into a contract dated January 11, 2022 to sell the property at 65 Brookside Avenue S., South Nyack, New York 10960 (S/B/L 66.53-3-6.1 and 66.53-3-6.2), known as the South Nyack Department of Public Works property (“South Nyack DPW Property”), to Durso Trucking Services Inc. for the sum of \$1,651,000.00; and,

WHEREAS, the sale and closing of the above referenced properties has not to date been consummated,

NOW THEREFORE BE IT RESOLVED that in accordance with the relevant provisions of New York GML Article 17-A and the dissolution plan as adopted by the Village of South Nyack pursuant thereto, the Town hereby agrees to enter into an Assignment and Assumption Agreement with the Village with respect to the contracts of sale for the above referenced properties, to the extent they are not otherwise transferred or sold prior to March 31, 2022 by the Village, and

BE IT FURTHER RESOLVED, that pursuant to the Assignment and Assumption Agreement, the Town hereby agrees to accept quit claim deeds from the Village for the properties, to the extent they are not transferred or sold prior to March 31, 2022, and the net proceeds of any sale of the properties by the Town that occurs on or before April 1, 2027, shall be assigned to the South Nyack legacy account established in accordance with NY GML Article 17-A to pay outstanding debts and liabilities of the dissolved Village and as otherwise authorized by law, and

BE IT FURTHER RESOLVED, that the Supervisor or her designee shall be authorized to execute the Assignment and Assumption Agreement and any other documents necessary to implement the purposes of this resolution.

BE IT FURTHER RESOLVED THAT to the extent this Resolution involves an agreement for the conveyance of real property by the Town, pursuant to Town Law §64(2), **this resolution is subject to permissive referendum.**

5. **AUTHORIZE SUBSTITUTION OF COUNSEL / SOUTH NYACK v. YESHIVA VIZNITZ DKHAL CHAIN, INC./ ROCKLAND INDEX NO. 031081/2021 / RETAINER AGREEMENT / KEANE & BEANE, PC**

WHEREAS, the Village of South Nyack, through its outside counsel Bleakely Platt & Schmidt, LLP, White Plains, New York, commenced an action under Rockland County Index No. 031081/2021 entitled The Village of South Nyack v. Yeshiva Viznitz Dkhal Chaim, Inc. with respect to the use and occupancy of certain properties located in the Village by the named defendant, and

WHEREAS, the Village is undergoing a dissolution process pursuant to New York General Municipal Law (NY GML) Article 17-A and adopted a dissolution plan on or about July 30, 2021 whereby the Village will dissolve as of March 31, 2022; and

WHEREAS, NY GML §788 dictates in pertinent part that no action for or against the local government entity to be dissolved shall abate by reason of its dissolution, and

WHEREAS, the a conflict exists such that Bleakely Platt & Schmidt, LLP cannot continue in its representation of the former Village and/or Town as successor to the Village,

RESOLVED, that effective April 1, 2022, the Town Board authorizes the retention of the firm of Keane & Beane, P.C. to substitute as counsel for the plaintiff and represent the Town as successor municipality in the matter of The Village of South Nyack v. Yeshiva Viznitz Dkhal Chaim, Inc. , Rockland County Index No. 0310817/2021 at the rate of \$275_per hour and as otherwise set forth under the terms and conditions of the retainer agreement provided, upon review and approval of the Town Attorney's Office, and authorizes the Supervisor or her designee to execute any and all documents necessary to implement the purposes of this resolution.

6. APPROVE / ESTABLISH POSITION OF SECRETARY, PLANNING AND ZONING BOARDS (EXEMPT) / OBZPAE / EFFECTIVE MARCH 30, 2022

RESOLVED, in accordance with the approval by the Rockland County Commissioner of Personnel dated 03/25/2022, the Town Board hereby establishes the position of Secretary, Planning and Zoning Boards (Exempt) in the Office of Building Zoning, Planning, Administration and Enforcement (OBZPAE) effective 03/30/2022.

7. APPOINT / SOKUNA MAM / SECRETARY, PLANNING AND ZONING BOARDS (EXEMPT) / OBZPAE / EFFECTIVE APRIL 4, 2022

RESOLVED, the Town Board hereby appoints Sokuna Mam to the position of Secretary, Planning and Zoning Boards (Exempt) in the Office of Building Zoning, Planning, Administration and Enforcement (OBZPAE), effective April 4, 2022, at a salary of \$55,000.00.

EXECUTIVE SESSION

8. ENTER EXECUTIVE SESSION

RESOLVED, at _____ pm, the Town Board entered Executive Session to discuss personnel-related matters.

ADJOURNMENTS

9. RE-ENTER STBM / ADJOURN

RESOLVED, at _____ pm, the Town Board re-entered the Special Town Board Meeting and adjourned.