



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday July 12, 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:

- ◆ The Comprehensive Plan Committee's Public Hearing on the 2022 Comprehensive Plan will be on August 2, 2022.

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. **CONTINUATION OF PUBLIC HEARING FROM RTBM OF JUNE 28, 2022 / 7:00 P.M. / PROPOSED CHANGE TO THE TOWN CODE, CHAPTER 43, ADDING ARTICLE XVIII TO ADDRESS ZONING IN THE HAMLET OF SOUTH NYACK**

RESOLVED, that the public hearing is hereby continued.

SUMMARY OF PUBLIC COMMENTS:

4. **CONTINUE PUBLIC HEARING / PROPOSED CHANGE TO THE TOWN CODE, CHAPTER 43, ADDING ARTICLE XVIII TO ADDRESS ZONING IN THE HAMLET OF SOUTH NYACK**

RESOLVED, that the public hearing is hereby continued to August 9, 2022 at 7:05 pm.

5. **CONTINUATION OF PUBLIC HEARING FROM RTBM OF JUNE 14, 2022 / 7:05 P.M. / PROPOSED ZONE CHANGE FOR GATTO LANE PROPERTY / TOLL BROTHERS, INC. / LOCATION ON GATTO LANE, PEARL RIVER / TAX LOT 68.07-2-1**

RESOLVED, that the public hearing is hereby continued.

SUMMARY OF PUBLIC COMMENTS:

6. **CLOSE / CONTINUE PUBLIC HEARING / PROPOSED ZONE CHANGE FOR GATTO LANE PROPERTY / TOLL BROTHERS, INC. / LOCATION ON GATTO LANE, PEARL RIVER / TAX LOT 68.07-2-1**

RESOLVED, that the public hearing is hereby closed or continued to _____.

7. **DECLARATION OF LEAD AGENCY / SEQRA / LOCAL LAW / GATTO LANE ZONE CHANGE**

WHEREAS, the Town Board is considering the adoption of a Local Law, amending Chapter 43, of the Town Code by changing the zoning for the property located on Gatto Lane and identified as SBL 68.07-2-1, from R40 to R15 and thereafter to PAC, as set forth more specifically therein; and

WHEREAS, on or about April 12, 2022 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 (SEQRA) of the above referenced action; and

WHEREAS, having received no requests from any other agency, and pursuant to the relevant SEQRA regulations, being the only Involved Agency for environmental review;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares itself to be "Lead Agency" for purposes of SEQRA review and authorizes the Town Supervisor or

her designated agent to execute all appropriate documentation for this purpose, and to take such other and further steps as may be necessary to discharge the Town Board's responsibilities as Lead Agency.

8. **AUTHORIZE GRANT APPLICATION / ROCKLAND RESILIENT RECREATION GRANT PROGRAM / ROCKLAND COUNTY ARPA DEPARTMENT / PLAYGROUND / ELIZABETH PLACE PARK IN SOUTH NYACK**

WHEREAS, the Town Board has determined that it is desirable and in the public interest to undertake the necessary steps for the submittal of a grant application under the Rockland Resilient Recreation Grant program of the Rockland County ARPA Department for the purchase and installation of a new playground at Elizabeth Place Park in South Nyack; and,

WHEREAS, the Rockland Resilient Recreation Grant request will not exceed the maximum request of \$200,000 to complete the project; and,

WHEREAS, the Town Board hereby finds the Elizabeth Place Park Playground Replacement project is a Type II action under SEQRA which requires no further review with respect to SEQRA; and,

NOW THEREFORE, BE IT RESOLVED, that the Town Board authorizes and directs the Supervisor or her designee to submit an application to the Rockland Resilient Recreation Grant program of the Rockland County ARPA Department for the Elizabeth Place Park Playground Replacement project and to execute any and all documents necessary for the administrative processes of the grant program.

BE IT FURTHER RESOLVED, the Town Board agrees to fund any overages in cost, through fund balance, for the Elizabeth Place Park Playground Replacement project, not to exceed \$20,000.

9. **AUTHORIZING SUBMISSION OF AN APPLICATION TO APPLY FOR A NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) 2022 MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) MAPPING GRANT & DEFINING THIS PLANNING ACTIVITY AS SEQRA TYPE II ACTION**

WHEREAS the Town of Orangetown has determined it desirable and in the public interest to submit an application to NYSDEC for funding consideration in furtherance of basic elements mapping of current Municipal Separate Storm Sewer System (MS4) infrastructure throughout the Town; and

WHEREAS the Town of Orangetown has remained an active member of the Rockland County Stormwater Consortium since 2019; and

WHEREAS the Town of Orangetown has committed to mapping the entirety of the basic elements of its storm sewer system in order to remain in compliance with SPDES permit regulations; and

WHEREAS the Project shall be titled "Town of Orangetown MS4 Basic Elements Mapping Project" and include a grant narrative, work plan and schedule, and other supporting documents necessary for submission of the application; and

WHEREAS the mapping of the MS4 system and recoding of its physical attributes is an operational activity, which does not provide for potential alteration of the environment because it involves mapping existing infrastructure and features of the community's resource environment; and

WHEREAS the amount of funding being requested under this program shall not exceed the maximum request of \$75,000 for individual municipalities, such funding which is intended to perform requisite storm sewer system mapping; and

WHEREAS the 2022 NYSDEC MS4 Mapping Grant Program requires a minimum 10 percent (10%) local match totaling no less than \$7,500; and

WHEREAS the Town of Orangetown Town Board is hereby committed to a cash match of no less than \$7,500; and

THEREFORE, BE IT RESOLVED the Town of Orangetown defines the proposed MS4 mapping undertaking as a Type II action according 6 NYCRR Part 617, State Environmental Quality Review standards, 617.5(c)(24), and other parts, because the undertaking involves basic data collection on the Town's existing facilities and this recording of information does not commit the Town to undertaking, funding or approving any other Type I or Unlisted actions, and as such no further environmental review is required; and

BE IT FURTHER RESOLVED the Town of Orangetown is hereby committed to using municipal funds to provide a local cash match of at least \$7,500 of the total project cost; and

BE IT FURTHER RESOLVED that the Town Board authorizes and directs the Town Supervisor to submit an application on behalf of the Town of Orangetown for MS4 basic elements mapping activities under the 2022 NYSDEC MS4 Mapping Grant Program, and is authorized to execute all other documents necessary for the implementation of this work, and is authorized to execute all financial and/or administrative processes relating to the grant program.

TOWN ATTORNEY

10. APPROVE STIPULATION OF SETTLEMENT/EMPLOYEE PERSONNEL MATTER

RESOLVED, that the Town Board hereby approves the Stipulation of Settlement concerning personnel matter with Employee No. 2709 and permit Supervisor Teresa M. Kenny to execute applicable Stipulation of Settlement on behalf of the Town Board.

PARKS AND RECREATION

11. AWARD CONTRACT / TOWN HALL / HVAC MAINTENANCE AND AUTOMATION CONTROL / JOHNSON CONTROLS INC.

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation award the contract for HVAC Mechanical Service and Automation Control to Johnson Controls of Hawthorne, NY as per Sourcewell Contract: 070121 – JHN in the amount of \$28,898.00 for Mechanical Service and \$3,959.00 for Automation Services for a term of one year.

12. **ACCEPT WITH REGRET / RESIGNATION / RETIREMENT OF FRANK LUCIANO / CUSTODIAN / PARKS, RECREATION & BUILDING MAINTENANCE / EFFECTIVE JULY 7, 2022**

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation & Building Maintenance, the Town Board accepts with regret the retirement of Frank Luciano, Custodian, after over 33 years of service to the Town of Orangetown, effective July 7, 2022.

TRAFFIC ADVISORY BOARD

13. **APPROVE / INSTALLATION OF STREET LIGHT / ORANGETOWN SOCCER COMPLEX PARKING LOT ENTRANCE ON OLD ORANGEBURG RD / ORANGEBURG**

RESOLVED, that upon the recommendation of the Traffic Advisory Board, the installation of a street light at the Orangetown Soccer Complex parking lot entrance on Old Orangeburg Rd in Orangeburg (Utility Pole# 59738/38052) is hereby approved to be paid from the following budget line item B.5182.452.17.

14. **MEMORIALIZING REQUEST FOR SPEED LIMIT REDUCTION ON ROUTE 340**

WHEREAS, a section of New York State Route 340 in the Hamlets of Sparkill and Palisades, between Valentine Avenue and Oak Tree Road, has seen increased development, and has substantial vehicle, commuter, pedestrian, and bicycle traffic; and

WHEREAS, this section of Route 340 passes directly next to multiple residences, a youth baseball field, American Legion Post 1044, Sparkill-Palisades Fire Department, and the site of a planned commuter parking lot; and

WHEREAS, this section of Route 340 from Valentine Avenue to Oak Tree Road has one lane of travel in each direction, intermittent sidewalks, and no crosswalks; and

WHEREAS, this section of Route 340 from Valentine Avenue to Oak Tree Road has a speed limit of 45 miles per hour in both directions; and

WHEREAS, the Orangetown Traffic Advisory Board has considered the recent and planned development along Route 340 in Sparkill and the concerns of residents of Sparkill about the speed limit; and

WHEREAS, it is in the direct interest of the Town of Orangetown to maintain the safety of our residents and visitors in the Hamlets of Sparkill and Palisades; and

NOW, THEREFORE, BE IT RESOLVED, that upon the recommendation of the Traffic Advisory Board, the Town Board of the Town of Orangetown hereby requests that the New York State Department of Transportation lower the speed limit on Route 340 in both east and west directions from Valentine Avenue in the Hamlet of Sparkill to Oak Tree Road in the Hamlet of Palisades; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to send a copy of this resolution to the New York State Department of Transportation,

Hudson Valley Region, and to such other persons as the Clerk, in her discretion, may deem proper in order to effectuate the purpose of this resolution.

LEND ASSISTANCE

15. APPROVE / LEND ASSISTANCE / 2022 SONS OF ITALY ROCKLAND LODGE 2176 ITALIAN FEAST /THURSDAY, SEPTEMBER 16 - SUNDAY, SEPTEMBER 19TH

RESOLVED, upon the completion of all necessary paperwork, the Superintendent of Parks & Recreation has forwarded for approval by the Town Board use of the Showmobile at a rental cost of \$500.00 by the Sons of Italy Rockland Lodge 2176 for their Italian Feast, Thursday, September 16th to Sunday, September 19th, 2022, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

TOWN CLERK

16. 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:** May 10 & June 14, 2022 Police Commission; May 10th & 24th and June 14 & 28, 2022 Regular Town Board Meeting.

Deeds:

2. 90 Depot Place, South Nyack (66.45-2-21)

Agreement / Contracts:

3. DASNY Grant Disbursement Agreement (\$50,000 SAM) for the Fitness Equipment at Veterans Park.
4. Rockland County - County reimbursement for police overtime for DWI enforcement.
5. Bond Determination Certificate, \$26,255,000 Public Improvement (Serial Bonds, 2022): Bio-Retention & Storm Water Wetlands; Replace Culverts at 400 Rte 303; Traffic Signal Replacement William St & Central Ave; N Middletown Rd Improvements; Reconstruction & Resurface of Roads; Pickleball Court at Veterans Park; Traffic Signals Replacements and Town Hall Addition Construction.

AUDIT

17. 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 five (5) warrants (attached) for a total of **\$1,858,804.66**

EXECUTIVE SESSION

18. ENTER EXECUTIVE SESSION

RESOLVED, at _____ pm, the Town Board entered Executive Session to discuss matters relating to employment and the proposed acquisition/sale/lease of real property when publicity might affect value.

ADJOURNMENTS

19. RE-ENTER RTBM / ADJOURNED / MEMORY

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

❖ **Joseph Gallagan**, *Resident of Pearl River*