

**TOWN OF ORANGETOWN
TOWN BOARD MEETING MINUTES
October 25, 2022**

This meeting was opened at 7:00 PM. Supervisor Teresa M. Kenny presided and Rosanna Sfraga, Town Clerk, called the roll.

Present were:

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

Absent:

Councilperson Jerry Bottari

Also Present:

Denis Troy, Deputy Supervisor
Allison Kardon, Supervisor's Confidential Assistant
Carmel Reilly, Director of Economic Development & Tourism
Rosanna Sfraga, Town Clerk
Joseph Thomassen, Deputy Clerk
Robert Magrino, Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Jane Slavin, Director of OBZPAE
Eamon Reilly, Commissioner of DEME
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.
Bob Urban, Human Resource Coordinator
Matthew Lenihan, Computer Network Specialist
Brendon Carton, IT Department
Michael Shannon, Police Captain

Pledge of Allegiance to the Flag

ANNOUNCEMENTS:

Veterans Drive-By Lunch / November 11, 2022 from 11:30 am to 1:30 pm / Email veteran@orangetown.com to reserve your boxed lunch or call the Supervisor's Office

Early voting at Town Hall is from Saturday, October 29, 2022 through Sunday, November 6, 2022 / Please visit Orangetown.com for more details

PRESENTATIONS:

John H. Secor American Legion Post 329, Pearl River Plaque Presentation for Braunsdorf Park War Memorial in Honor of Captain Phillip T. Esposito

Center for Safety and Change: October 2022 Domestic Violence Awareness Month

DISCUSSION:

Workshop of Agenda Items

**RESOLUTION NO. 494
ACCEPT DONATION / PLAQUE FOR BRAUNSDORF PARK WAR MEMORIAL IN
HONOR OF CAPTAIN PHILLIP T. ESPOSITO / JOHN H. SECOR AMERICAN
LEGION POST 329**

WHEREAS, Phillip Thomas "Phil" Esposito, born on June 24, 1974, grew up in Pearl River, New York and graduated with honors from Albertus Magnus High School in Bardonia, New York in 1992; and,

WHEREAS, Phil earned a congressional appointment to attend the United States Military Academy West Point where he spent two years in A-1, the rigorous "First Out" company and served as a cadet first sergeant and company commander in H-2; and,

WHEREAS, upon graduation, Phil attended training at Fort Knox, KY and served with distinction in several leadership positions in the 3rd Battalion, 66th Armor before leaving active duty in 2000; and,

WHEREAS, Phil married his school classmate, Siobhan McMahon in 2001 and they had a beautiful daughter Madeline Rose in 2003; and,

WHEREAS, after September 11, 2001, Phil returned to active duty to support the National Guard efforts in New York City and in 2004, he was deployed as the Rainbow Division Headquarters company commander, stationed at Forward Operating Base "Danger" in Tikrit, Iraq; and,

WHEREAS, while honorably serving the country he loved, Phil was tragically killed in Iraq in 2005; and,

NOW THEREFORE BE IT RESOLVED, that the Town Board accepts with their sincerest gratitude the donation of a plaque for the war memorial in Braunsdorf Park from the John H. Secor American Legion Post 329, Pearl River, honoring the service and sacrifice of Captain Phillip T. Esposito. May his spirit, integrity and strength of character always be remembered.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 495
OPEN PUBLIC HEARING / ACCEPT DRAFT COMPREHENSIVE PLAN / CONSIDER
ADOPTING THE ORANGETOWN COMPREHENSIVE PLAN**

RESOLVED, that the Public Hearing regarding accepting the Draft Comprehensive Plan and consider adopting the Orangetown Comprehensive Plan, is hereby opened.

Rosanna Sfraga, Town Clerk presented the Affidavits of Publication and Postings, which are labeled Exhibit 10-E-22 and made a part of these minutes.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

Summary of Public Comments:

Ashley Ley, AKRF Consultants, gave a presentation of the draft Comprehensive Plan and explained the changes that the Comprehensive Plan Committee recommends.

Mike Mandel, Pearl River, is against Transit Oriented Developments (TOD), and high-density housing and the plan fails to address PAC zoning. He also made comments regarding renewable energy and other power sources.

Wayne Gavioli, Orangeburg – a Comprehensive Plan is a visual for the future. We do not need high density housing or congestion in Orangetown. Comments from the Rockland County Planning Department and the Orangetown Planning Board were just received. He asked that the vote be put off to another date.

Barbara Delo, Blauvelt, had many questions regarding senior housing, zoning, high density housing and emissions.

Eileen Larkin, Palisades, is against high-density housing and she believes Orangetown should stay the same type of community it is right now.

Mary Ann Gavioli, Orangeburg, is concerned about the recommendation of zone changes for “non-conforming lots”. More details on the parcels is needed.

Larry Vail, Tappan, viewed the Environmental pages. Environmental concerns still need to be addressed.

**RESOLUTION NO. 496
CONTINUE PUBLIC HEARING / ACCEPT DRAFT COMPREHENSIVE PLAN &
CONSIDER ADOPTING THE ORANGETOWN COMPREHENSIVE PLAN**

RESOLVED, that the Public Hearing regarding accepting the Draft Comprehensive Plan and consider adopting the Orangetown Comprehensive Plan is hereby continued to December 13, 2022 at 7:10 pm.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 497
APPROVE / 2023 SUPERVISOR’S TENTATIVE BUDGET AS THE 2023 PRELIMINARY
BUDGET**

RESOLVED, that the Town Board hereby approves the 2023 Supervisor’s Tentative Budget as the 2023 Preliminary Budget.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 498
CONTINUATION OF PUBLIC HEARING FROM RTBM OF OCTOBER 11, 2022 / 2023
PRELIMINARY BUDGET**

RESOLVED, that the Public Hearing regarding the 2023 Preliminary Budget from October 11, 2022 is hereby continued.

RESOLUTION NO. 498 - CONTINUED

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

Summary of Public Comments: None

**RESOLUTION NO. 499
CONTINUE PUBLIC HEARING / 2023 PRELIMINARY BUDGET**

RESOLVED, that the Public Hearing regarding the 2023 Preliminary Budget is hereby continued to November 15, 2022 at 7:10 pm.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 500
OPEN PUBLIC COMMENT PORTION**

RESOLVED, that the public portion is hereby opened.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

Summary of Public Comments:

Anne & George Schlinck, and Neysa Scala, Orangeburg, complained about the toxic smell from the Rockland County Sewer Plant. This has been going on for the past three months and they are getting the run around from the Town, the DEC and Rockland County. The hazardous toxic smell is a Quality of Life issue and something needs to be done quickly.

Mike Mandel, Pearl River, spoke about the last-minute letter that Rockland Community Power's contract has expired and a new one has not been executed. The letter also stated everyone is returning to O & R with a variable rate.

Jack Torpfy, Gerry Goggin & Kevin McCormick, Orangeburg, complained about Rockland Cider Works' illegal operation (complete chaos, dangerous situation, illegal parking etc). These activities impact the entire neighborhood, quality of life and house values.

Theresa Scacco, Tappan, said a tree and the disintegrating Orangeburg pipe at her residence is causing flooding and other safety issues. She asked for help from the Town.

Ted Mazzella, representing three Tappan families, explained there has been drainage issues in his neighborhood for many years and asked who do they go to for help.

Eileen Larkin, Palisades, again spoke about raising the income level for senior citizens to get a tax exemption; Rockland Cider Works and the Rockland County Sewer Plant.

Barbara Delo, Blauvelt, continued speaking about the Draft Comprehensive Plan. She is opposed to some of the recommendations.

Kerry Beckmann, Orangetown Metro Sports Club (f/k/a OMM), thanked Mark Albert for all his work in the Parks & Recreation Department.

**RESOLUTION NO. 501
CLOSE PUBLIC COMMENT PORTION**

RESOLVED, that the public portion is hereby closed.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 502
ACCEPT WITH REGRET / RESIGNATION OF STEPHEN SWEENEY / MEMBER
ORANGETOWN PLANNING BOARD / EFFECTIVE JUNE 6, 2022**

RESOLVED, that the Town Board accept with regret, the resignation of *Stephen Sweeney*, Member of the Planning Board, effective June 06, 2022.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 503
APPOINT LISA DEFICIANI / MEMBER / ORANGETOWN PLANNING BOARD
EFFECTIVE OCTOBER 25, 2022**

RESOLVED, that the Town Board hereby appoints *Lisa Deficiani* as Member to the Planning Board, to fill the unexpired term of Stephen Sweeney who resigned June 06, 2022. Her term of appointment starts October 26, 2022 and expires on December 31, 2023.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 504
APPOINT TARA HEIDGER / ALTERNATE MEMBER / ORANGETOWN PLANNING
BOARD**

RESOLVED, that the Town Board hereby appoints *Tara Heidger* as Member to the Planning Board, as the Alternate, with the term expiring December 31, 2022.

RESOLUTION NO. 504 - Continued

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

RESOLUTION NO. 505**AUTHORIZE / ZARIN & STEINMETZ / COMMENCE AND PROSECUTE EMINENT DOMAIN PROCEEDINGS / 334 ROUTE 9W, ORANGETOWN / HNA TRAINING CENTER**

WHEREAS, the property located at 334 Route 9W, Orangetown, New York (Tax Lot 78.13-1-1) ("Property") is currently owned by HNA Training Center NY LLC ("HNA" or "Owner"), which was primarily used and operated as a hotel/conference center; and

WHEREAS, the Property has been vacant and/or not in use as a hotel/conference center for approximately five (5) years;

WHEREAS, numerous violations have been issued to HNA due to the failure of the owner to upkeep the Property, causing the Property to exhibit a deteriorating and unsafe condition, including, but not limited to, several environmental incidents that have occurred recently on the Property; and

WHEREAS, the Property is currently in a blighted condition; and

WHEREAS, in addition to the numerous violations and blighted condition of the Property, HNA is currently in tax arrears of over \$4,000,000.00; and

WHEREAS, the Town of Orangetown ("Town") has a vision for maximizing, revitalizing, and redeveloping the currently underutilized and vacant Property for the benefit of the community, with a use that will have the public purpose of enhancing the sound growth of the Town, increasing its tax base, preserving key environmental on-site features, providing public amenities and uses, and encouraging good design standards; and

WHEREAS, in furtherance of those goals, the Town, in cooperation with HNA, sought interest from the development community and the public for site development concepts that would meet the Town's vision and comprehensive plans of utilizing the property for the benefit of the community, by soliciting expressions of interest and proposals from potential redevelopers of the Property; and

WHEREAS, after issuing a Request for Expressions of Interest ("RFEI"), and receiving and reviewing numerous proposals from interested parties, the Town chose Reveil LLC ("Developer" or "Reveil") as its Preferred Developer; and

WHEREAS, the Town entered into a Memorandum of Understanding ("MOU") with the Developer for the development of the Property to consist of a mixed-use campus, which would include conceptually a refurbished destination hotel and spa, various green facilities, a working farm and recording studio, co-working and other creative workshop spaces, possible residential development, as well as catering and test kitchens; and

WHEREAS, the Town Board found that this proposal would generate substantial economic and other benefits for the community, increase the tax base, provide public amenities and uses, while also preserving key environmental features on the Property and hopefully generate a fair purchase price for the Owner; and

WHEREAS, subsequent to the Town entering into the MOU with the Developer, HNA, with the assistance of the Town, entered into a Letter of Intent ("LOI") with the Developer

RESOLUTION NO. 505 - Continued

setting forth the terms pursuant to which the parties would enter into a consensual Purchase and Sale Agreement (“PSA”) to sell the Property to the Developer; and

WHEREAS, the LOI was accepted and executed by the parties on or around April 28, 2022; and

WHEREAS, in connection with the execution of the LOI, the Developer posted an initial deposit in the amount of \$200,000.00; and

WHEREAS, since signing the LOI, the Developer has proceeded in good faith to negotiate and consummate the PSA with HNA; and

WHEREAS, on or about October 7, 2022, the Developer executed the PSA and delivered signature pages to its counsel to hold pending execution by HNA, and posted an additional deposit with the Escrow Agent in the amount of \$400,000.00; and

WHEREAS, the Town, through its special counsel, Zarin & Steinmetz, has continued to work with both the Developer and HNA to finalize the execution of the PSA; and

WHEREAS, both the Developer and the Town believed that HNA’s signing of the PSA was imminent; and

WHEREAS, the Town has made clear to HNA, and the MOU provides, that HNA, notwithstanding the terms of the MOU, has the legal right to submit, prior to entering into PSA with the Developer, a bona-fide as-of-right land use application to the relevant Town agencies, and that such agencies would have the legal obligation to process said application, provided, the Town would have no legal or other obligation to consider any request for a zoning or zoning text change as part of such application pursuant to applicable law; and

WHEREAS, HNA has not filed an application to redevelop the Property during the past five (5) years; and

WHEREAS, despite Developer’s and Town’s best efforts to finalize the agreement with HNA, HNA has failed to execute the PSA and

WHEREAS, the Property continues to deteriorate and remain unoccupied and blighted; and

WHEREAS, the Developer is in full compliance under the terms of the MOU, and

WHEREAS, the MOU provides that if the Developer is not in default of the MOU, and is unable after a good faith effort to consummate a consensual agreement with HNA to acquire the Property, the Town may, as a last resort, exercise its eminent domain powers to acquire and develop the Property; and

WHEREAS, in light of HNA’s refusal to execute the PSA, after the parties expended significant time and resources in good faith negotiating said agreement, the Town is exercising its right under the MOU to proceed under the provisions of the Eminent Domain Procedures Law in order to acquire the Property so that the blighted conditions can be ameliorated, and the Property can be redeveloped and revitalized for the benefit of the community.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that based upon HNA’s failure to sign the PSA with Reveil, the continuing and worsening blighted nature of the Property, the various open violations, and the significant amount of taxes in arrears, the Town Board of the Town of Orangetown hereby authorizes Zarin & Steinmetz to take all necessary steps pursuant to the MOU to commence and prosecute eminent domain proceedings against the Property and HNA, and that the Supervisor or her designee is hereby authorized to execute any and all documents necessary for carrying out the purposes of this resolution.

RESOLUTION NO. 505 - Continued

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

RESOLUTION NO. 506

AWARD / PARKING REVIEW AND STUDY FOR SOUTH NYACK / LABERGE GROUP

WHEREAS, on or about September 14, 2022, the Town issued a Request for Proposals (“RFP”) for a consultant/planner to provide professional services to provide a Parking Review and Study, including recommendations for parking regulations to be applicable in the areas comprising the former Village of South Nyack; (a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit 10-F-22, and made a part of these minutes) and

WHEREAS, three proposals were received, reviewed and all found to be qualified, in light of the Laberge Group’s work with the Village of South Nyack during the dissolution process and with the Town of Orangetown since such dissolution, Laberge Group was found to be the best qualified to perform the study;

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Laberge Group to conduct a Parking Review and Study, including Code amendments for Town Board consideration, in accordance with the terms and conditions of the proposal and authorizes the Supervisor to execute an agreement as approved by the Town Attorney.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

RESOLUTION NO. 507

APPROVE / RECLASSIFY POSITION / APPOINT MICHAEL O’SULLIVAN MAINTENANCE SUPERVISOR (AUTOMOTIVE) / HIGHWAY DEPARTMENT EFFECTIVE OCTOBER 25, 2022

RESOLVED, upon the recommendation of the Rockland County Personnel Department, through an approved P.O. 27, reclassify Auto Mechanic to the position of Maintenance Supervisor (Automotive), an existing title in the Highway Department and appoint Michael O’Sullivan to the position, Grade 17, Step 18, at a salary of 113,036.00 effective October 25, 2022.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 508
APPROVE / FUNDING 2022 TOWN LEAF REMOVAL OVERTIME BUDGET**

RESOLVED, the Town Board hereby authorizes to fund the Highway Department Overtime Accounts in the amount of \$211,000. Brush and Weed Account, D.5140.012.05, shall be funded in the amount of \$126,000 and Brush and Weed Account, D.5140.020.05, shall be funded in the amount of \$85,000 to cover overtime costs associated with the Town's 2022 Leaf Removal Program.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 509
AUTHORIZE / AGREEMENT / NYS DOT / PIN 8780.54 NORTH MIDDLETOWN
ROAD PEDESTRIAN LINK TO PEARL RIVER BUSINESS DISTRICT/ CONTRACT #
D040725**

WHEREAS, authorizing the implementation, and funding in the first instance 100% of the federal-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore; and

WHEREAS, a Project for the North Middletown Road Pedestrian Link to Pearl River Business District in the Town of Orangetown, Rockland County, PIN 8780.54 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 75% Federal funds and 25% non-federal funds; and

WHEREAS, the Town of Orangetown desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction and construction inspection;

WHEREAS, the Orangetown Town Board duly convened upon this matter;

NOW THEREFORE BET IT RESOLVED, that the Orangetown Town Board hereby approves the above-subject project; and

BE IT FURTHER RESOLVED, that the Orangetown Town Board hereby authorizes the Town of Orangetown to pay in the first instance 100% of the federal and non-federal share of the cost of construction and construction inspection work for the Project or portions thereof; and

BE IT FURTHER RESOLVED, the sum of \$288,000.00 is hereby appropriated from H.5110.200.99, and made available to cover the cost of participation in the above phase of the Project; and it is further

BE IT FURTHER RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Orangetown Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Supervisor thereof, and it is further

BE IT FURTHER RESOLVED, that the Supervisor of the Town of Orangetown be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the Town of Orangetown with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLUTION NO. 509 - Continued

BE IT FURTHER RESOLVED, that in addition to the Supervisor, the following municipal titles: Highway Superintendent, Commissioner of DEME, Director of Finance, are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and

BE IT FURTHER RESOLVED, this resolution shall take effect immediately.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

RESOLUTION NO. 510

CREATE POSITION / SENIOR RECREATION SUPERVISOR / PARKS & RECREATION

RESOLVED, that upon the recommendation of the Rockland County Personnel Department and the Labor Management Committee, create the position of Senior Recreation Supervisor (Grade 16) in the Department of Parks, Recreation & Building Maintenance. This is for the purpose of posting the position.

Councilperson Paul Valentine offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

RESOLUTION NO. 511

APPOINT CHRISTINE SMYTH-BONARDI / CLERK / PROBATIONARY / EFFECTIVE NOVEMBER 07, 2022 / PARKS AND RECREATION

RESOLVED, upon the recommendation of the Superintendent of Parks and Recreation, appoint Christine Smyth-Bonardi to the position of Clerk, probationary, from List #19137 (OC) Grade 2, Step 1, at a starting salary of \$37,689, effective November 7, 2022.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 512
ACCEPT WITH REGRET / RETIREMENT / MIKE DALY / SENIOR
GROUNDWORKER PARKS, RECREATION & BUILDING MAINTENANCE**

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation & Building Maintenance, accept with regret, the retirement of Mike Daly, Senior Groundswoker, after 35 years of service to the Town.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 513
ACCEPT WITH REGRET / RETIREMENT / MARK ALBERT / SENIOR
RECREATION LEADER / PARKS RECREATION & BUILDING MAINTENANCE /
EFFECTIVE OCTOBER 21, 2022**

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation & Building Maintenance, accept with regret, the retirement of Mark Albert, Senior Recreation Leader after 30 years of service to the Town, effective October 21, 2022.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Paul Valentine and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 514
APPROVE / LEND ASSISTANCE / 2022 NYACK HALLOWEEN PARADE /
SATURDAY, OCTOBER 29, 2022**

RESOLVED, upon the completion of all the necessary paperwork, the Superintendent of Highways has hereby forwarded for approval by the Town Board the use of barricades, a message board, and one plow truck for an enhanced security perimeter and traffic control for the Nyack Halloween Parade on Saturday, October 29, 2022 from 4pm to 7pm.

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 Nyack Chamber of Commerce for their Halloween Parade, Saturday, October 29, 2022, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

Councilperson Brian Donohue offered the above resolution, which was seconded by Councilperson Thomas Diviny and was Adopted:

Motion: 4 - 0

Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny, Councilperson Brian Donohue

Noes: None

Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 515
APPROVE / 2022 ADDITIONAL BANKING DEPOSITORY / NYCLASS PROGRAM**

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o (“Section 119-o”) empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, town and villages, and districts] to enter into, amend, cancel and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers and duties on a cooperative or contract basis;

WHEREAS, the Town of Orangetown wishes to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019;

WHEREAS, the Town of Orangetown wishes to assure the safety and liquidity needs of their funds;

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows: that Jeffrey Bencik, Finance Director of the Town of Orangetown is hereby authorized to participate in the NYCLASS program under the terms of the NYCLASS Municipal Agreement Amended and Restated as of March 28, 2019.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0
Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny,
Councilperson Brian Donohue
Noes: None
Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 516
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 two (2) warrants (attached) for a total of **\$1,841,157.28**.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

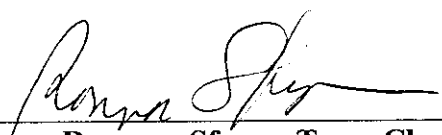
Motion: 4 - 0
Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny,
Councilperson Brian Donohue
Noes: None
Absent: Councilperson Jerry Bottari

**RESOLUTION NO. 517
ADJOURNED**

RESOLVED, at 9:09 pm, the Town Board adjourned this meeting.

Councilperson Thomas Diviny offered the above resolution, which was seconded by Councilperson Brian Donohue and was Adopted:

Motion: 4 - 0
Ayes: Councilperson Thomas Diviny, Councilperson Paul Valentine, Supervisor Teresa M. Kenny,
Councilperson Brian Donohue
Noes: None
Absent: Councilperson Jerry Bottari



Rosanna Sfraga, Town Clerk

Town Of Orangetown

DATE: October 25, 2022

WARRANT

Warrant Reference	Warrant #	Amount
Approved for payment in the amount of		
	101322	\$ 172,716.87 utilities
	102522	\$ 1,668,440.41

The above listed claims are approved and ordered paid from the appropriations indicated.

APPROVAL FOR PAYMENT

AUDITING BOARD

Councilman Gerald Bottari

Councilman Paul Valentine

Councilman Thomas Diviny

Councilman Brian Donohue

Supervisor Teresa M. Kenny

**TOWN OF ORANGETOWN
FINANCE OFFICE MEMORANDUM**

TO: THE TOWN BOARD
FROM: JEFF BENCİK, *DIRECTOR OF FINANCE*
SUBJECT: AUDIT MEMO
DATE: 10/20/2022
CC: DEPARTMENT HEADS



The audit for the Town Board Meeting of 10/25/2022 consists of 2 warrants for a total of \$1,841,157.28.

The first warrant had 59 vouchers for \$172,716 and was for utilities.

The second warrant had 150 vouchers for \$1,668,440 and had the following items of interest.

1. Applied Golf (p6) - \$257,217 for Blue Hill golf contract (2 months).
2. Applied Golf (p7) - \$102,739 for Broadacres golf contract (2 months).
3. Atlantic Engineering Laboratories (p8) - \$5,698 for testing for new town hall.
4. Biosafe Systems (p10) - \$10,716 for sewer chemicals.
5. Brooker Engineering (p11) - \$5,189.50 for drainage reviews.
6. Capasso & Sons (p13) - \$80,017 for recycling.
7. Cotter, Michael (p16) - \$6,050 for CTR inspections.
8. CSEA Employee Benefit Fund (p17) - \$33,949 for dental benefits.
9. Custom Conveyor (p17) - \$5,337 for rollers for belt conveyor (sewer).
10. Frank Cyrwus (p21) - \$8,500 for roof at pump station.
11. Gentile (p23) - \$9,463 for 207c payments.
12. Goosetown Enterprises (p23) - \$11,050 for police equipment leases.
13. Johnson Controls (p28) - \$7,145 for repairs to police side of Town Hall.
14. Keane & Beane (p29) - \$5,720 for outside counsel.
15. Kuehne Chemical Co. (p30) - \$7,743 for sewer chemicals.
16. Lothrop Associates (p32) - \$51,119 for new Town hall.

17. NYPA (p34) - \$22,190 for streetlight project.
18. NY Dept. of Civil Service (p34) - \$823,435 for healthcare benefits.
19. NYS DEC (p35) - \$15,500 for SPDES permits.
20. Pre-Cast Concrete Sales (p38) - \$6,837 for Middletown Rd. project.
21. Printing House Press (p40) - \$6,622 for legal documents.
22. SOCSD (p44) - \$48,929 for pool rental July-Dec. 2022.
23. State Farm Mutual (p46) - \$7,575 for legal settlement.
24. Tappan Seniors Club (p48) - \$8,670 for various events.
25. Zarin & Steinmetz (p54) - \$5,692 for HNA project (reimbursed).

Please feel free to contact me with any questions or comments.

Jeffrey W. Bencik, CFA

845-359-5100 x2204

EXHIBIT

10-15-22, 10/25/22

STATE OF NEW YORK }
COUNTY OF ROCKLAND } SS.
TOWN OF ORANGETOWN }

Rosanna Sfraga being duly sworn upon her oath deposes and says;

That, she is, at all times, hereinafter mentioned was, duly elected, Qualified and acting Town Clerk of the **TOWN Of ORANGETOWN**, in the County of Rockland, State of New York.

That, on the 6th day, October, 2022, she caused to be conspicuously posted and fastened up a notice, a true copy of which is annexed hereto and made a part of hereof, in the following places, at least one of which is a public place within the **TOWN Of ORANGETOWN**, New York.

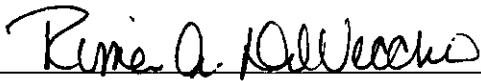
1. Town Hall Bulletin Boards
2. Website (Orangetown.com)
- 3.
- 4.
- 5.



Rosanna Sfraga, Town Clerk

Subscribed and sworn to before me

This 6th day of October, 2022



RIMA A. DELVECCHIO
Notary Public, State of New York
No. 01DE822835
Qualified in Rockland County
My Commission Expires June 1, 2026

**TOWN OF ORANGETOWN
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, please be advised that the Comprehensive Plan Committee is having a Public Hearing to accept / adopt the 2022 Draft Comprehensive Plan on October 25, 2022 at 7:05 pm.

At the time and place of the public hearing specified above, all interested persons will be given the opportunity to be heard.

By order of the Town Board of the Town of Orangetown.

Dated: September 27, 2022

Rosanna Sfraga, Town Clerk
Robert Magrino, Town Attorney



**AFFIDAVIT OF PUBLICATION
FROM**

**State of Wisconsin
County of Brown, ss.:**

On the 10 day of October in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Turt, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

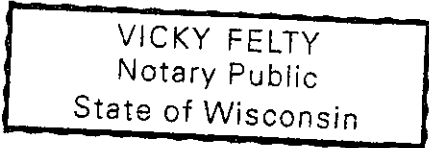
Linda Turt being duly sworn says that he/she is the principal clerk of **THE JOURNAL NEWS**, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, on the editions dated :

Zone: Run Dates:
Rockland 10/10/2022

Linda Turt
Signature

Sworn to before me, this 10 day of October, 2022

Vicky Felty
Notary Public, State of Wisconsin, County of Brown
979-25



My commission expires
Legend:

WESTCHESTER:
Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolnale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

ROCKLAND:
Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiels, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0005443400

TOWN OF ORANGETOWN
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At the time and place of the public hearing specified above, all interested persons will be given the opportunity to be heard.

By order of the Town Board of the Town of Orangetown.

Dated: September 27, 2022

Rosanna Sfraga, Town Clerk
Robert Maqrino, Town Attorney 5443400

NOTICE OF POSTING: NOTICE OF RFP: CONSULTANT / PLANNER FOR PARKING STUDY
AND RECOMMENDATIONS

EXHIBIT

10/19/22, 10/25/22

STATE OF NEW YORK }
COUNTY OF ROCKLAND }
TOWN OF ORANGETOWN }

SS.

Rosanna Sfraga being duly sworn upon her oath deposes and says;

That, she is, at all times, hereinafter mentioned was, duly elected,
Qualified and acting Town Clerk of the **TOWN of ORANGETOWN**, in the County of
Rockland, State of New York.

That, on the 15th day, September, 2022, she caused to be conspicuously posted
and fastened up a notice, a true copy of which is annexed hereto and made a part of
hereof, in the following places, at least one of which is a public place within the **TOWN
of ORANGETOWN**, New York.

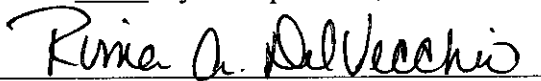
1. Town Hall Bulletin Boards
- 2.
- 3.
- 4.
- 5.



Rosanna Sfraga, Town Clerk

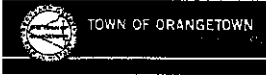
Subscribed and sworn to before me

This 15th day of September, 2022



Rima A. DeVecchio

Notary Public
No. 011776-1-0835
Qualified in Rockland County
Commission Expires 1, 20 26



LEGAL NOTICE

**NOTICE TO PROPOSERS
OF A REQUEST FOR PROPOSAL
FOR
PARKING STUDY AND RECOMMENDATIONS**

NOTICE IS HEREBY GIVEN that proposals for a **CONSULTANT/PLANNER TO PROVIDE A PARKING STUDY AND RECOMMENDATIONS** will be received by the Town Clerk of the Town of Orangetown at the Orangetown Town Hall, 26 Orangeburg Road, Orangeburg, New York 10962, **until October 21, 2022, at 11:00 A.M.**, at which time and place they will be publicly opened and read aloud.

The proposals shall be from any **QUALIFIED CONSULTANT/PLANNER TO PROVIDE A PARKING STUDY AND RECOMMENDATIONS** as outlined more fully in the SCOPE OF SERVICES section of this request.

The Town of Orangetown officially distributes bidding documents from the Town Clerk's Office. Copies of bidding documents obtained from any other source are not considered official copies. Only those Proposers who obtain bidding documents from the Town Clerk's Office are guaranteed to receive addendum information if such information is issued.

The Town reserves the right to waive any informality or reject any or all proposals should the best interest of the Town thereby be promoted.

No bid will be accepted without a Non-collusion Statement as required pursuant to Section 103d of the General Municipal Law.

Consistent with federal mandates, Requests for Proposals are solicited from any and all parties, including, but not limited to, minority businesses and enterprises operated and conducted by women.

This Request for Proposal ("RFP") is for services requiring special or technical skill, training or expertise. The services requested are not "purchase contracts" or "contracts for public works," as those phrases are used in bidding statutes.

Proposals may be delivered to the Town Clerk at the above address by mail, electronic mail, or in person. Proposals need not be delivered in sealed form. It is the intention of the Town not to disclose any proposal submitted prior to the opening date and time. However, the Town cannot guarantee unintended disclosure of any proposal submitted in other than a sealed envelope, directed to the Town Clerk, with "**CONSULTANT/PLANNER FOR PARKING STUDY**" clearly marked on the outside of the envelope. Unintended disclosure will not prevent the Town from determining an award to a Proposer, including a Proposer whose proposal was so disclosed.

Proposals will be considered firm for at least forty-five (45) days after the opening date and time.



No Proposer may withdraw his/her/its proposal within forty-five (45) days after the date set for the opening therefor, but may withdraw his/her/its proposal at any time prior to the scheduled date for the opening of proposals.

No Contract is deemed to have been created until approved by a Town Board Resolution and the Town Attorney, and until after it has been executed by the Supervisor of the Town of Orangetown, at the direction of the Town Board. All contracts are subject to appropriations approved by the Town Board, after having been provided for in the Town Budget.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK

Dated: September 14, 2022

ROSANNA SFRAGA, Town Clerk
of the Town of Orangetown
26 Orangeburg Road
Orangeburg, NY 10962
Tel. (845) 359-5100, ext. 2263
townclerk@orangetown.com



**AFFIDAVIT OF PUBLICATION
FROM**

**State of Wisconsin
County of Brown, ss.:**

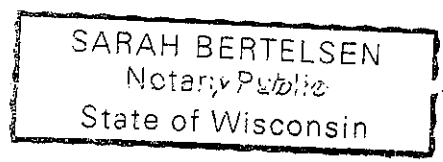
On the 20 day of September in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Futt, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

Linda Futt being duly sworn says that he/she is the principal clerk of **THE JOURNAL NEWS**, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, on the editions dated :

Zone: Rockland Run Dates: 09/20/2022

Linda Futt
Signature

Sworn to before me, this 20 day of September, 2022
Sarah Bertelsen
Notary Public, State of Wisconsin, County of Brown



7/27/25
My commission expires

Legend:
WESTCHESTER: Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincoln Dale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers
ROCKLAND: Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0005415820

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BY ORDER OF THE TOWN BOARD OF THE TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK

Dated: September 14, 2022

ROSANNA SFRAGA, Town Clerk
of the Town of Orangetown
26 Orangeburg Road
Orangeburg, NY 10962 Tel. (845) 359-5100, ext. 2263
townclerk@orangetown.com
0005415820

