



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday January 24, 2023

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:

- ◆ **Orangetown's Community Solar Opt-in Program / January 2023 / For more information, visit our website at www.orangetown.com.**
- ◆ **Proposed Farmers Market in Pearl River / Please take our community interest survey found on our website at www.orangetown.com.**
- ◆ **The Town of Orangetown Highway Department was the recipient of the 2023 American Public Works Association Excellence in Snow and Ice Control Award. The award was established to promote excellence in the management and administration of public works snow and ice operations, while minimizing environmental impacts.**

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 DECEMBER 13, 2022 / 7:05 P.M. / 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 resumed.

SUMMARY OF COMMENTS:

4. **CLOSE OR 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 closed and/or continued to _____.

5. **GRANT PERMISSION / 2023 TRAINING SCHOOL AND ANNUAL MEETING OF ASSOCIATION OF TOWNS / FEBRUARY 19-22, 2023**

RESOLVED, that permission is granted to Elected Officials and Department Heads or their representatives to attend the 2023 Training School and Annual Meeting of the Association of Towns in New York City, February 19-22, 2023, with the Town paying the cost of courses and travels to be charged to appropriate departmental accounts.

6. **COMBINE / APPROVE AGENDA ITEMS #7 TO 37**

RESOLVED, the Town Board hereby combines and approves agenda items #7 to 37.

7. **APPOINT / REAPPOINT LIAISONS / 2023 / LAND USE BOARDS / COMMITTEES**

RESOLVED, that the following Town Officials are hereby appointed / reappointed liaisons to the following Land Use Boards and Committees for 2023:

- ACABOR - *Councilman Jerry Bottari, Liaison*
- Orangetown Blue Hill Golf Advisory – *Councilman Paul Valentine, Liaison*
- Board of Assessment Review – *Councilman Tom Diviny, Liaison*
- Board of Ethics - *Councilman Brian Donohue, Liaison*
- Orangetown Environmental Committee – *Supervisor Teresa M. Kenny, Liaison*
- Historic Areas Board of Review – *Councilman Jerry Bottari, Liaison*
- Orangetown Housing Authority Board – *Deputy Supervisor Denis Troy, Liaison*
- Office of Emergency Management Committee – *Councilman Tom Diviny, Liaison*
- Orangetown Parks and Recreation Development Advisory Committee–*Councilman Brian Donohue, Liaison*

- Orangetown Planning Board – *Supervisor Teresa M. Kenny, Liaison*
- Orangetown Project Review Board – *Supervisor Teresa M. Kenny, Liaison*
- Orangetown Sanitation Commission – *Councilman Paul Valentine, Liaison*
- Orangetown Shade Tree Commission – *Councilman Jerry Bottari, Liaison*
- Orangetown Senior Citizen Advisory Committee – *Deputy Supervisor Denis Troy, Liaison*
- Orangetown Substance Abuse Committee – *Supervisor Teresa M. Kenny, Liaison*
- Orangetown Traffic Advisory Board – *Councilman Paul Valentine, Liaison*
- Zoning Board of Appeals – *Councilman Tom Diviny, Liaison*

8. REAPPOINT / BLUE HILL GOLF ADVISORY COMMITTEE / 2023 / 1-YEAR TERM

RESOLVED, that the following are hereby reappointed as Members of the Orangetown Blue Hill Golf Advisory Committee for a 1-year term, commencing on January 1, 2023 and expires on December 31, 2023:

- Patrick J. Shields (Chairman)
- Sean Burke
- Joseph Green
- Michael Hussey
- Martin Fogarty
- Matt Willock
- Kevin Fagan
- Nick Gajovich
- Joseph O'Loughlin
- Liaison: Councilman Paul Valentine

9. REAPPOINT / ORANGETOWN COMPREHENSIVE PLANNING COMMITTEE / 2023 / 1-YEAR TERM

RESOLVED, that the following are hereby reappointed as Members of the Orangetown Comprehensive Planning Committee for a 1-year term, commencing on January 1, 2023 and expires on December 31, 2023:

- Supervisor Teresa M. Kenny (Chairwoman)
- Allison Kardon, Confidential Assistant to Supervisor
- Jane Slavin, Director of OBZPAE
- James J. Dean, Superintendent of Highways
- Eamon Reilly, Director DEME
- Aric Gorton, Director of Parks and Recreation / Building Maintenance
- Rick Pakola, Deputy Town Attorney, Legal Advisor

10. APPOINT / REAPPOINT / ORANGETOWN OFFICE OF EMERGENCY MANAGEMENT COMMITTEE / 2023 / 1-YEAR TERM

RESOLVED, that the following are hereby appointed / reappointed as Members of the Orangetown Office of Emergency Management Committee for a 1-year term, commencing on January 1, 2023 and expires on December 31, 2023:

- P. O. Michael Yannazzone, Jr. (Chairman)
- Captain Michael Shannon, OPD
- David Majewski, Bureau of Fire Prevention
- Jane Slavin, Director of OBZPAE
- James J. Dean, Superintendent of Highways
- Aric Gorton, Superintendent of Parks and Recreation
- Fred Simms, Orangetown Fire Chiefs Council
- Steve Harris, Chief of South Orangetown Ambulance Corps
- Maryanne Portoro, Operations Administrator of PR Ambulance
- Robert Daly, Orangetown Fire Chiefs Council
- Stephen Munno, Highway Department
- Eamon Reilly, Director DEME
- Christopher Sheehan, DEME
- Matt Lenihan, IT
- Liaison: Councilman Thomas Diviny

11. REAPPOINT / ORANGETOWN PROJECT REVIEW COMMITTEE / 2023 / 1-YEAR TERM

RESOLVED, that the following are hereby reappointed as Members of the Orangetown Project Review Committee, for a 1-year term, commencing on January 1, 2023 and expires on December 31, 2023:

- Jane Slavin (Chairwoman)
- Bruce Peters, DEME
- David Majewski, Bureau of Fire Protection
- James J. Dean, Superintendent of Highways
- Aric Gorton, Superintendent of Parks and Recreation
- Rick Pakola, Deputy Town Attorney, Legal Advisor
- Liaison: Supervisor Teresa M. Kenny

12. APPOINT / REAPPOINT SUBSTANCE ABUSE COMMITTEE / 2023 / 1-YEAR TERM

RESOLVED, that the following are hereby appointed / reappointed as Members of the Substance Abuse Committee, for a 1-year term, commencing on January 01, 2023 and expires on December 31, 2023:

- J. Robert Coleman
- Rudy Arietta, Principal of TZHS
- Norma Canals, Social Worker PRHS
- Jean Robert Zephir
- Lara Benz
- Despina Vougioukas

- Douglas Chizmadia
- Alicia Shannon
- Michael Murphy, Principal OF PRHS
- Chief Donald Butterworth, OPD
- Captain Michael Shannon, OPD
- Det. Brandon Myers, OPD
- Wayne Roimisher, Chief of SOAC
- Allison Haugh, Rockland County DEA
- Jacqueline Sellin, Executive Director CANDLE
- Stephanie Finucane (Secretary)
- Liaison – Supervisor Teresa M. Kenny

13. REAPPOINT ORANGETOWN TRAFFIC ADVISORY BOARD / 2023 / 1-YEAR TERM

RESOLVED, that the following are hereby reappointed as Members of the Orangetown Orangetown Traffic Advisory Board, for a 1-year term, commencing on January 1, 2023 and expires on December 31, 2023:

- Michael Yannazzone (Co-Chairman)
- Margaret Warren (Co-Chairwoman)
- Paul Raso
- Robert Simon
- Robert Morrison
- James Castagna
- P. O. Michael Yannazzone, Jr. OPD, Advisor
- Anthony Limandri, Highway, Advisor
- Thomas Edattel, DEME, Advisor
- Allison Kardon, Clerk
- Liaison: Councilman Paul Valentine

14. REAPPOINT THOMAS WARREN / CHAIRMAN / ORANGETOWN PLANNING BOARD / 2023 / 1-YEAR TERM

RESOLVED, that THOMAS WARREN is hereby reappointed CHAIRMAN to the Orangetown Planning Board for a 1-year term, commencing January 1, 2023 and expiring on December 31, 2023.

15. REAPPOINT MICHAEL MANDEL / MEMBER / ORANGETOWN PLANNING BOARD / 7-YEAR TERM

RESOLVED, that MICHAEL MANDEL is hereby reappointed as MEMBER to the Orangetown Planning Board for a 7-year term, commencing January 1, 2023 and expiring on December 31, 2029.

16. REAPPOINT TARA HEIDGER / ALTERNATE MEMBER / ORANGETOWN PLANNING BOARD / 1-YEAR TERM

RESOLVED, that TARA HEIDGER is hereby reappointed as an ALTERNATE MEMBER to the Orangetown Planning Board for a 1-year term, commencing January 1, 2023 and expiring on December 31, 2023.

17. REAPPOINT MARGARET RASO / CHAIRWOMAN / HISTORIC AREAS BOARD OF REVIEW / 2023 / 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, 2023 and expiring on December 31, 2023.

18. REAPPOINT WILLIAM WALTHER / MEMBER / ORANGETOWN HISTORIC AREAS BOARD OF REVIEW / 5-YEAR TERM

RESOLVED, that WILLIAM WALTHER is hereby reappointed as MEMBER to the Orangetown Historic Areas Board of Review for a 5-year term, commencing January 1, 2023 and expiring on December 31, 2027.

19. REAPPOINT WALTER SCOTT WHEATLEY / MEMBER / ORANGETOWN HISTORIC AREAS BOARD OF REVIEW / 5-YEAR TERM

RESOLVED, that WALTER SCOTT WHEATLEY is hereby reappointed as MEMBER to the Orangetown Historic Areas Board of Review for a 5-year term, commencing January 1, 2023 and expiring on December 31, 2027.

20. REAPPOINT LOREN PLOTKIN / MEMBER / ORANGETOWN HISTORIC AREAS BOARD OF REVIEW / 5-YEAR TERM

RESOLVED, that LOREN PLOTKIN is hereby reappointed as MEMBER to the Orangetown Historic Areas Board of Review for a 5-year term, commencing January 1, 2023 and expiring on December 31, 2027.

21. REAPPOINT DANIEL SULLIVAN / CHAIRMAN / ORANGETOWN ZONING BOARD OF APPEALS / 2023 / 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, 2023 and expiring on December 31, 2023.

22. REAPPOINT BILLY VALENTINE / ALTERNATE MEMBER / ORANGETOWN ZONING BOARD OF APPEALS / 2023 / 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, 2023 and expiring on December 31, 2023.

23. REAPPOINT PATRICIA CASTELLI / MEMBER / ORANGETOWN ZONING BOARD OF APPEALS / 5-YEAR TERM

RESOLVED, that PATRICIA CASTELLI. is hereby reappointed as MEMBER to the Orangetown Zoning Board of Appeals for a 5-year term, commencing January 1, 2023 and expiring on December 31, 2027.

24. REAPPOINT CHRIS DUNNIGAN / CHAIRMAN / ORANGETOWN ARCHITECTURE AND COMMUNITY APPEARANCE BOARD OF REVIEW / 2023 / 1-YEAR TERM

RESOLVED, that CHRIS DUNNIGAN is hereby reappointed as CHAIRMAN to the Orangetown Architecture and Community Appearance Board of Review for a 1-year term, commencing January 1, 2023 and expiring on December 31, 2023.

25. REAPPOINT JOSEPH MILILLO / MEMBER / ORANGETOWN ARCHITECTURE AND COMMUNITY APPEARANCE BOARD OF REVIEW / 3-YEAR TERM

RESOLVED, that JOSEPH MILILLO is hereby reappointed as Member to the Orangetown Architecture and Community Appearance Board of Review for a 3-year term, commencing January 1, 2023 and expiring on December 31, 2025.

26. REAPPOINT DEBORAH STUHLWEISSENBURG / MEMBER / ORANGETOWN ARCHITECTURE AND COMMUNITY APPEARANCE BOARD OF REVIEW / 3-YEAR TERM

RESOLVED, that DEBORAH STUHLWEISSENBURG is hereby reappointed as Member to the Orangetown Architecture and Community Appearance Board of Review for a 3-year term, commencing January 1, 2023 and expiring on December 31, 2025.

27. APPOINT MATTHEW MILLER / MEMBER / ORANGETOWN ARCHITECTURE AND COMMUNITY APPEARANCE BOARD OF REVIEW / 3-YEAR TERM

RESOLVED, that MATTHEW MILLER is hereby appointed as Member to the Orangetown Architecture and Community Appearance Board of Review for a 3-year term, commencing January 1, 2023 and expiring on December 31, 2025.

28. REAPPOINT DOMENIC ZAGAROLI / MEMBER / ORANGETOWN BOARD OF ASSESSMENT REVIEW / 5-YEAR TERM

RESOLVED, that DOMENIC ZAGAROLI is hereby reappointed as Member to the Orangetown Board of Assessment Review for a 5-year term, commencing January 1, 2023 and expiring on December 31, 2027.

29. REAPPOINT MARGARET KIRWAN / MEMBER / ORANGETOWN BOARD OF ASSESSMENT REVIEW / 5-YEAR TERM

RESOLVED, that MARGARET KIRWAN is hereby reappointed as Member to the Orangetown Board of Assessment Review for a 5-year term, commencing January 1, 2023 and expiring on December 31, 2027.

30. REAPPOINT MICHAEL MANDEL / CHAIRMAN / ORANGETOWN BOARD OF ETHICS / 1-YEAR TERM

RESOLVED, that MICHAEL MANDEL is hereby reappointed as CHAIRMAN to the Orangetown Board of Ethics for a 1-year term, commencing January 1, 2023 and expiring on December 31, 2023.

31. REAPPOINT KRISTY BAUMANN / MEMBER / ORANGETOWN BOARD OF ETHICS / 5-YEAR TERM

RESOLVED, that KRISTY BAUMANN is hereby reappointed as Member to the Orangetown Board of Ethics for a 5-year term, commencing January 1, 2023 and expiring on December 31, 2027.

32. REAPPOINT CHARLES (SKIP) VEZZETTI / CHAIRMAN / ORANGETOWN SANITATION COMMISSION / 1-YEAR TERM

RESOLVED, that CHARLES (SKIP) VEZZETTI is hereby reappointed as CHAIRMAN to the Orangetown Sanitation Commission for a 1-year term, commencing January 1, 2023 and expiring on December 31, 2023.

33. REAPPOINT CHARLES (SKIP) VEZZETTI / MEMBER / ORANGETOWN SANITATION COMMISSION / 5-YEAR TERM

RESOLVED, that CHARLES (SKIP) VEZZETTI is hereby reappointed as MEMBER to the Orangetown Sanitation Commission for a 5-year term, commencing January 1, 2023 and expiring on December 31, 2027.

34. REAPPOINT ORANGETOWN SHADE TREE COMMISSION / 2023 / 1-YEAR TERM

RESOLVED, that the following are hereby reappointed as Members of the Orangetown Shade Tree Commission, for a 1-year term, commencing on January 1, 2023 and expires on December 31, 2023:

- Mary Vail (Chairwoman)
- Laurie Peek
- Mary Ellen Le Warn
- Joy Macy
- Brian Burns
- Katja Alberino-Rappaport
- T. Paul Bailey
- Liaison: Councilman Jerry Bottari

35. APPOINT / REAPPOINT ORANGETOWN SENIOR CITIZEN COMMITTEE / 2023 / 1- YEAR TERM

RESOLVED, that the following are hereby appointed / reappointed as Members of the Orangetown Senior Citizen Committee, for a 1-year term, commencing on January 1, 2023 and expires on December 31, 2023:

- Phyllis Moehrle, Member (Blauvelt/Orangeburg Group)
- Evelyn D'Angelo, Member (Pearl River B Group)
- Dean Hoffman, Member (Nyack Group)
- Rosemary Doherty, Member (Pearl River A Group)
- Marge Olson, Member (Piermont Group)
- Margaret (Peggy) Raso, Member (Tappan Group)
- Roxanne Memmolo, Member (Sparkill Group)
- Carmel Reilly, Clerk
- Liaison: Deputy Supervisor Denis Troy

36. REAPPOINT / ORANGETOWN PARKS AND RECREATION DEVELOPMENT ADVISORY COMMITTEE / 2023 / 1-YEAR TERM

RESOLVED, that the following are hereby reappointed as Members of the Orangetown Parks and Recreation Development Advisory Committee, for a 1-year term, commencing January 1, 2023 and expires on December 31, 2023:

- Anne Byrne
- Tara Heidger
- Michael Andrea
- T. Paul Bailey
- Orli Eshkar
- Aric Gorton, Superintendent of Parks & Recreation
- Liaison: Councilman Brian Donohue

37. APPOINT / REAPPOINT / ORANGETOWN ENVIRONMENTAL COMMITTEE / 2023 / 1-YEAR TERM

RESOLVED, that the following are hereby appointed / reappointed as Members of the Orangetown Environmental Committee for a 1-year term, commencing on January 1, 2023 and expires on December 31, 2023:

- Michael Andrea (Chairman)
- Alexis Starke
- Heather Hurley
- Don Steinmetz
- Andrew Goodwillie
- Katherine Copp-Brown
- Susan O'Reilly Turner
- Kerry Gorczynski
- June Starke
- Allan Ryff
- Lawrence Vail
- Maria Gagliardi
- Vicki Schwaid
- Maria Vanessa Cipolla
- Fran Oldenburger
- Tom O'Reilly
- Eve Millard
- Liaison: Supervisor Teresa M. Kenny

38. AUTHORIZE EXTENSION OF GRANT WRITING AGREEMENT/ LABERGE GROUP/ APPROVED RESOLUTIONS 2021-186 & 2022-26

WHEREAS, the Town is aware of grant opportunities which would assist the Town in obtaining funding from Federal and State programs in various disciplines (e.g. recreation, planning, infrastructure programs and the like) which would be in the best interests of the Town to provide for funding of projects the Town has or intends to undertake, and

WHEREAS, the Town has authorized, in Resolutions 2021-186 and 2022-26, Laberge Group, Albany, New York, to provide grants strategy, surveillance and development services to assist the Town in completing projects in an efficient, cost-effective and timely manner,

WHEREAS, due to the need to apply for additional grant opportunities, the Town Board finds it in the best interest of the Town to extend the agreement with Laberge Group to increase the contract amount by \$36,000 plus reimbursable expenses for provision of additional services related to Professional Grant Writing Services for 2023.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes an amendment to the agreement as approved in Resolutions 2021-186 and 2022-26 with the Laberge Group for purposes of providing professional grant writing services commencing January 1, 2023 through December 31, 2023 at the cost of \$36,000.00, to be billed on a monthly basis, and that the Supervisor or her designee is authorized to execute any documents necessary to effectuate the purposes of this Resolution, upon review and approval of the Town Attorney's Office.

39. ACCEPT PETITION / REQUEST FOR DEMAPPING SECOND STREET / SET PUBLIC HEARING / RTBM OF MARCH 7, 2023 AT 7:05 PM

WHEREAS, the owners of the premises which are adjacent to “Second Street” in Pearl River, New York, more fully identified as Mary and Robert Gabalski, 54 West Crooked Hill Road (Tax Lot 68.12/1/27); Kenny and Lisa Smellegar, 44 West Crooked Hill Road (68.12/1/28); Caitlin and William Lennox, 47 West Carroll Street (68.12/1/38); Sarah and Charles McGillick, 53 West Carroll Street (68.12/1/39), have petitioned the Town Board to de-map Second Street pursuant to NY Town Law §273; and

WHEREAS, upon preliminary review, the Town Board hereby accepts the petition for consideration,

NOW THEREFORE BE IT RESOLVED that the Town Board will commence a public hearing on March 7, 2023 at 7:05 pm, on a petition by the owners of the properties adjacent to Second Street, Pearl River, New York, for consideration by the Board to de-map and/or close Second Street, Pearl River, New York, pursuant to NY Town Law §273, and

BE IT FURTHER RESOLVED, that the Town Board hereby refers the matter to the Town Planning Board for report thereon, within thirty days of this referral.

40. SET PUBLIC HEARING / RTBM OF FEBRUARY 21, 2023 AT 7:05 P.M. / AMEND TOWN CODE CHAPTER 34, TAXATION / SENIOR CITIZENS REAL PROPERTY TAX EXEMPTION

RESOLVED that the Town Board will hold a public hearing on February 21, 2023, at 7:05 p.m., on a proposed Local Law, pursuant to New York Real Property Tax Law Section 467, Amending Chapter 34, Article I, Section 34-3 of the Town Code entitled “Senior Citizens Real Property Tax Exemption”.

41. SET PUBLIC HEARING / RTBM OF FEBRUARY 21, 2023 AT 7:10 PM / PROPOSED ACQUISITION OF A PERMANENT PROPERTY INTEREST / 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; 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 or uses that will enhance 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, the use or mix of uses contemplated for the Property by the Town include, but are not limited to, commercial, recreational, hotel or conference center, spa or wellness

center, corporate headquarters, medical office campus, movie studio, residential, live/work community, and/or senior/assisted living; and

WHEREAS, in order to realize this vision, the Town, in cooperation with HNA, issued a Request for Expressions of Interest (“RFEI”), identified Reveil LLC (“Reveil”) as its Preferred Developer and entered into a Memorandum of Understanding (“MOU”) with Reveil for the development of the Property; 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, with the assistance of the Town, on or about April 28, 2022, HNA entered into a Letter of Intent (“LOI”) with Reveil, which set forth the terms pursuant to which, among other things, Reveil would hopefully enter into a consensual Purchase and Sale Agreement with HNA (“PSA”) to sell the Property to Reveil; and

WHEREAS, in connection with the execution of the LOI, Reveil made a \$200,000.00 deposit;

WHEREAS, since entering into the LOI, Reveil has proceeded in good faith to negotiate and consummate the PSA with HNA; and

WHEREAS, On October 7, 2022, Reveil executed the PSA and delivered signature pages to its counsel to hold pending execution by HNA, and posted an additional \$400,000.00 deposit with the Escrow Agent, bringing Reveil’s total deposit amount to \$600,000.00; and

WHEREAS, despite Reveil’s signing of the PSA and depositing \$600,000.00 with the Escrow Agent, HNA has failed to execute the PSA; and

WHEREAS, the Property remains vacant, and the owner has not maintained, cleaned or safeguarded the buildings on the Property for an extended period of time, including, inter alia, allowing diesel fuel to spill into an illegal sump pump which caused a direct discharge into the Town’s Waste Water Treatment Plant, failing to maintain the emergency access road in a passable condition for fire apparatus, and failing to repair a large sink hole on the secondary access road; and

WHEREAS, due to the aforementioned conditions, 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 underutilized and in an unsafe and increasingly unsafe deteriorating condition; and

WHEREAS, 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, on October 25, 2022, the Town Board adopted Resolution No.____, which authorized Zarin & Steinmetz to take all necessary steps pursuant to the MOU to commence and prosecute eminent domain proceedings against the Property and HNA; and

WHEREAS, HNA has effectively abandoned the Property, including, among other conditions, the utilities to the Property have been cut- off; there has been a significant amount of

vandalism, standing water is accumulating in the basement of the existing buildings; and under HNA's continued ownership, the already blighted Property continues to deteriorate and fall further into an unsafe condition; and

WHEREAS, the unoccupied blighted condition of the Property warrants immediate action by the Town; and

WHEREAS, due to the blighted condition of the Property, the Town now desires to commence the eminent domain proceedings,

NOW, THEREFORE, IT IS HEREBY RESOLVED that based upon the foregoing, the Town Board of the Town of Orangetown will hold a public hearing on February 21, 2023 at 7:10 pm, pursuant to Article 2 of the Eminent Domain Procedure Law ("EDPL"), regarding the proposed acquisition of a permanent property interest in the property located at 334 Route 9W, Orangetown, NY.

42. **EXTEND AUTHORIZATION FOR OUTDOOR DINING / SIDEWALK CAFES / EXTEND RESOLUTION 2020-249; 2020-539; 2021-243; 2021-505**

WHEREAS, on June 2, 2020 pursuant to Town Board Resolution 2020-249, the Town Board, in response to the economic recovery as a result of the COVID-19 crisis and pursuant to the authority prescribed in Chapter 6-5(F) of the Orangetown Code, authorized the Director of OBZPAE to waive, modify, and adjust certain requirements of Chapter 31B regarding Sidewalk Cafes and Vending, and to suspend enforcement of the zoning regulations and requirements or land use restrictions to obtain an Outdoor Dining Permit, and to maintain required off-street parking for outdoor dining, at a lawful restaurant and food service establishment, and to issue a Temporary Outdoor Dining Permit and

WHEREAS, pursuant to Town Board Resolutions 2020-539, 2021-243 and 2021-505 the Town Board extended the temporary suspension of Section 31B of the Town Code and authorized the Director of OBZPAE to issue Temporary Outdoor Dining permits for various time periods as set forth more fully therein and most recently through and including December 31, 2022, subject to the same terms and conditions of Town Board Resolution 2020-249, and

WHEREAS, the COVID-19 crisis and the economic recovery therefrom continues to impact the residents and businesses of the Town of Orangetown and the authorization for outdoor dining and sidewalk cafes have provided relief to the businesses in the Town of Orangetown will providing patrons an opportunity to socialize in a safe setting in accordance with the Governor's guidelines for operations of dining facilities during the COVID-19 crisis,

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby extends the temporary suspension of Section 31B as set forth in Town Board Resolution 2020-249, 2020-539, 2021-243 and 2021-505 and authorization to the Director of OBZPAE to issue Temporary Outdoor Dining Permits through and including December 31, 2023, subject to all of the terms and conditions as set forth in Resolution 2020-249, 2020-539, 2021 -243 and 2021-505 regardless of previous or future capacity restrictions imposed by the State of New York..

BE IT FURTHER RESOLVED, that notwithstanding the foregoing, the combined occupancy of the indoor and outdoor dining for businesses operating under the Temporary Dining Permit, shall not exceed the occupancy limits for the premises related to life safety issues

such as fire safety matters and sanitary facilities. Any violation of the terms of the Temporary Outdoor Dining permit as set forth herein shall subject the holder of such Permit to revocation as provided in Resolution 2020-249 and Section 6-5(F) of the Town Code.

43. REFERRAL OF PROPOSED TOWN CODE AMENDMENT / REVIEW BY LABERGE GROUP / AGRICULTURAL ACTIVITIES

WHEREAS, the owner of premises located at 68 Sickletown Road, Orangeburg, New York, (Tax lot 69.19/1/6) being located in the R-40 zoning district, has petitioned the Town Board to amend the Town Code to permit “agricultural and agri- tourism” in an R-80 and R-40 zoning district by way of a Special Permit, and provide for definitions thereof; and

WHEREAS, the petitioner has provided the Town with an updated, more detailed, proposal, and upon preliminary review of such updated proposed code change, the Town Board believes it would be appropriate, before considering any such change to the Town Code, to refer the matter to the LaBerge Planning Group for review and recommendations, which cost and expense shall be borne by the petitioner by way of reimbursement to the Town for any such costs,

NOW THEREFORE BE IT RESOLVED that the Town Board hereby refers the above referenced proposed change to the Town Code to permit certain agricultural activities in an R-80 and R-40 zone by Special Permit, to the LaBerge Group, with the understanding that any cost or expense incurred by the Town for this purpose shall be reimbursed by the petitioner. No such referral shall take place until the petitioner submits the sum \$ 3,500.00 to the Town Clerk, to be held in escrow by the Town, for purposes of reimbursing the Town for any cost and expense incurred by the Town with respect to this referral.

44. AUTHORIZE TOWN ATTORNEY TO SETTLE LIABILITY CLAIMS / \$7,500

RESOLVED, that the Town Attorney is hereby authorized to settle liability claims for amounts up to \$7,500.00, and be it

FURTHER RESOLVED, that such settlement shall be subject to ratification by the Town Board upon approval of payment pursuant to its regular audit.

TOWN ATTORNEY

45. SETTLE LAWSUIT MARC SAURIOL V. TOWN OF ORANGETOWN

WHEREAS, on or about September 21, 2021 and June 2, 2022, property damage occurred whereby Plaintiff Marc Sauriol claimed that certain municipal storm water and/or municipal sewer systems alleged to be owned and maintained by the Town of Orangetown (“Town”), broke and redirected water and sewage to Plaintiff’s property and caused other damages; and

WHEREAS, the Town investigated this claim concerning the condition of the damaged property and the repairs needed, and without any admission of fault and in an effort to resolve this matter without further litigation costs, the Town has agreed to pay the amount of \$40,000.00 as full and final settlement of the damages asserted in the Complaint,

NOW THEREFORE BE IT RESOLVED, that the above lawsuit shall be settled and paid by the Town in the full and final amount of \$40,000.00 subject to applicable releases, and the Supervisor or her designee is authorized to execute any and all legal documents in order to effectuate the enforcement of this resolution.

46. APPROVAL OF 2023 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 2023 Sewer Work is approved to:

- Belleville Landscaping, Inc., 84 North Route 9W, Congers, NY 10920
- Environmental Construction, Inc., 21 Holt Drive, Stony Point, NY 10980
- Michael Sasso Plumbing, Inc., PO Box 507, New City, NY 10956
- Kevin Stokes Excavating, Inc. 52 Grotke Rd, Chestnut Ridge, NY 10977

47. ACCEPT WITH REGRET THE RESIGNATION OF ELIZABETH BRANCATI / DEPUTY TOWN ATTORNEY / EFFECTIVE JANUARY 27, 2023

RESOLVED, that the Town Attorney and the Town Board accept, with regret, the resignation of Deputy Town Attorney Elizabeth Brancati effective January 27, 2023.

HIGHWAY

48. APPROVE/ GRANT PERMISSION/ 2023 GRASSROOTS ADVOCACY CAMPAIGN

RESOLVED, that permission is granted for the Superintendent of Highways to attend the 2023 Grassroots Advocacy Campaign for Local Roads, Bridges and Culverts, Albany, NY, March 7-8,2023, at a cost of \$250.00 which includes travel and conference costs to be charged to the proper departmental accounts.

49. APPROVE / AGREEMENT EXPENDITURE OF HIGHWAY MONIES / ROCKLAND COUNTY 2023 PAVEMENT PRESERVATION REPAIR / IMPROVEMENT PROGRAM

WHEREAS, pursuant to the provisions of Section 284 of the Highway Law, we agree that monies bonded by the Town and received from the State for State aid for the repair & improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS, the sum of \$ 1,266,000.00 shall be set aside to be expended for primary work and general repairs upon 17 miles of town highways.
2. PERMANENT IMPROVEMENTS, below contains a list of roads which will be treated in the 2023 Pavement Preservation Program:

PEARL RIVER

Haven Terr
Lt Ferris Ct
Alexa Ct
Briarwood Ln
Guterl Terr
Champ Ave
Hillside Terr
Summit Pl
Venter Ln
Crescent Ln
Hillaire Pl
Orchard Ln
Thomsen Cir
Cleveland St
Ablondi Rd
Reld Dr South
Pinto Rd
Retz Rd
Casazza Pl
Staubitz Ave
Villa Rd
Mckinley St
Duhaime Rd
Cara Dr
Meadows St
Center St South
Crooked Hill Road
(Railroad Ave to
N. Middletown)
Bridge Rd

ORANGEBURG

Chapel Ct
Isabel Rd
Heather Ln
Betsy Ross Dr

BLAUVELT

Ashwood Dr
Hoffman Ln
Birchwood Ct
Birchwood Rd
Moehring Rd
Goehring Curve
East Rd
Beechwood Rd
Klee Ln

PALISADES

Lauren Rd
Horne Tooke Rd

SPARKILL

Edward St
Valentine Ave
Union St
Ferdon Ave

TAPPAN

Mallory Ln
Skyview Oval
Drewery Ln
Hancock Pl
Howard Ave
Brianbeth Pl
Lafayette Rd
Bogart Pl
Jeannes Pl
Piermont St
Eimer St
Bauer St
Polhemus St
Bell Ln
Julia Ct
Sparkill Ave

SOUTH NYACK

Cornelison Ave
Mansfield Ave
Washington Ave
Prall Pl
Spring St
Brookside Ave
Maple St
Terrace Dr
S. Highland Ave
(9W to S. Blvd)

There will be money spent on other Town Highways as needed to maintain a safe driving surface. This agreement shall take effect when it is approved by the Town Board.

RESOLVED, approve Agreement for expenditure of Highway monies, between the Town Superintendent of Highways of the Town of Orangetown, Rockland County, New York and the undersigned members of the Town Board.

50. **APPOINT KATHERINE FAIRCLOUGH / ADMINISTRATIVE SECRETARY / GRADE 12, STEP 1 / EFFECTIVE JANUARY 25, 2023**

RESOLVED, that upon the recommendation of the Superintendent of Highways, appoint Katherine Fairclough to the position of Administrative Secretary, Probationary, from List#67-350/21005 Grade 12, Step 1 at a salary of \$66,438, effective January 25, 2023.

51. APPOINT ELIZABETH MCCONEGHY / SENIOR CLERK-STENOGRAPHER / GRADE 8, STEP 3 / EFFECTIVE JANUARY 25, 2023

RESOLVED, that upon the recommendation of the Superintendent of Highways, appoint Elizabeth McConeghy to the position of Senior Clerk-Stenographer, Probationary, from list#22064 Grade 8, Step 3 at a salary of \$60,340, effective January 25, 2023.

PARKS AND RECREATION

52. AWARD BID / CART PATH REPAIRS / BLUE HILL GOLF COURSE / GENTILE CONSTRUCTION

RESOLVED, that upon the recommendation of the Superintendent of Parks, Recreation & Building Maintenance, the Town Board hereby awards the bid for cart path repairs at Blue Hill Golf Course to Gentile Construction of Yonkers, NY in the amount of \$40,152.00, the lowest qualified bidder.

53. APPOINT DAVID TORRES / SENIOR RECREATION SUPERVISOR / GRADE 16, STEP 1 / EFFECTIVE JANUARY 25, 2023

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, appoint David Torres to the position of Senior Recreation Supervisor, Provisional, Grade 16, Step 1 at a salary of \$72,634, effective January 25, 2023.

DEME

54. AUTHORIZE DEME / EXECUTE FEDERAL AID-LOCAL UTILITY WORK AGREEMENT / WEST WASHINGTON AVENUE BRIDGE REPLACEMENT

WHEREAS, as part of the County of Rockland's project to replace the West Washington Avenue Bridge over the Pascack Brook and realign West Washington Avenue in Pearl River at that location, it will necessitate the replacement and realignment of an 8" Town owned sewer line, and

WHEREAS, the Town Department of Environmental Management and Engineering (DEME) has requested that Rockland County, which is sponsoring the project as part of a Federal Aid Local Project, have its contractor perform such work, under contract with the County, which work will be paid as part of Rockland County's payment share in the County construction contract,

NOW THEREFORE, BE IT RESOLVED, that the Town Board authorizes the Commissioner of DEME to execute a Federal Aid-Local Projects Utility Work Agreement in the form annexed hereto, authorizing Rockland County, through its contractor on the West Washington Avenue Bridge Replacement Project, furnish and install a new 8" sewer line and appurtenances, as set forth more fully in the agreement.

ASSESSOR

55. ACCEPT WITH REGRET THE RESIGNATION / RETIREMENT OF KAREN SERAFIN / ASSESSOR'S OFFICE / EFFECTIVE JANUARY 31, 2023

RESOLVED, that the Assessor and the Town Board, accept with regret, the resignation / retirement of KAREN SERAFIN, Assessing Clerk II, from the Assessor's Office, with 35 years of service, effective January 31, 2023.

AUDIT

56. 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 four (4) warrants (attached) for a total of **\$1,938,722.59**.

EXECUTIVE SESSION

57. 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 and matters relating to employment.

ADJOURNMENTS

58. RE-ENTER RTBM / ADJOURNED / MEMORY

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

- ❖ **Sharon Gorzka**, *Resident of Pearl River*
- ❖ **Cornelius K. Smith**, *Resident of Pearl River*
- ❖ **Patrick Tully**, *Resident of Nanuet*