



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday May 09, 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:

- ◆ Update on New York City plan to house asylum seekers in Orangetown.
- ◆ The following Public Hearings are scheduled for May 23, 2023:
 - Proposed Zone Change for 175 E. Washington Avenue, Pearl River
 - Accept Draft Comprehensive Plan / Consider Adopting the Orangetown Comprehensive Plan
- ◆ 2023 Orangetown Memorial Day Events: Please visit www.orangetown.com for more information.
- ◆ Town of Orangetown DRAFT Municipal Separate Storm Sewer System (MS4 Annual Report Year 20) will be available for review on the Town's website.

DISCUSSION:

- ◆ GRANTING RETROACTIVE MEMBERSHIP IN THE NY STATE LOCAL POLICE AND FIRE RETIREMENT SYSTEM TO PAUL VALENTINE, JR.
- ◆ WORKSHOP OF AGENDA ITEMS

PUBLIC COMMENT:

1. **OPEN PUBLIC COMMENT PORTION**

RESOLVED, that the public portion is hereby opened.

SUMMARY OF PUBLIC COMMENTS:

2. **CLOSE PUBLIC COMMENT PORTION**

RESOLVED, that the public portion is hereby closed.

AGENDA ITEMS:

TOWN BOARD

3. **SET PUBLIC HEARING ON PROPOSED CHANGE TO TOWN CODE, ADDING A NEW CHAPTER 26 ENTITLED “PUBLIC MEETINGS” / JUNE 13, 2023**

RESOLVED that the Town Board will hold a public hearing on June 13, 2023 at 7:05 p.m., on a proposed Local Law, by adding a new chapter to the Town Code, Chapter 26, to be titled “Public Meetings” to permit certain public bodies of Town government to conduct public meetings via videoconferencing under extraordinary circumstances.

4. **DECLARATION OF INTENTION OF TOWN BOARD TO SERVE AS LEAD AGENCY PURSUANT TO SEQRA**

WHEREAS, pursuant to Article 7 of the New York Public Officers law, attendance at public meetings by members of public bodies may be permitted via videoconferencing under extraordinary circumstances, upon adoption of a local law or resolution authorizing same and

WHEREAS, the Town Board has determined that it would be appropriate to authorize public bodies within the Town to permit attendance at public meetings by members of the public bodies via videoconferencing under extraordinary circumstances , and

WHEREAS, upon review of the proposed Local Law, Short Environmental Assessment Form, and related documents and filings, the Board makes the following preliminary determinations:

1. The proposed action is one subject to review under the State Environmental Quality Review Act (“SEQRA”);
2. The proposed action as a “Type II” (NYCRR 617.5(21) and (33)) action;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares its intention to serve as Lead Agency for the purpose of environmental review under SEQRA.

5. **SET PUBLIC HEARING ON PROPOSED AMENDMENT TO MIXED USE DEVELOPMENT AND MIXED USE EXPANSIUN SPECIAL PERMITS / FAST FOOD RESTAURANTS / TOWN CODE 4.32 (O) MIXED USE DEVELOPMENTS / JUNE 27, 2023**

RESOLVED that the Town Board will hold a public hearing on June 27 at 7:05 p.m., on a proposed Local Law, to amend Chapter 43, Article IV, Section 4.32(O)(iii)(h) by adding “fast-food restaurants” as a permitted use in mixed-use developments, as such developments are defined therein.

6. **DECLARATION OF INTENTION OF TOWN BOARD TO SERVE AS LEAD AGENCY PURSUANT TO SEQRA**

WHEREAS, the Town has received an application seeking an amendment to the Town Zoning Law, at Chapter 43, § 4.32(O)(iii)(h), to permit restaurants, including fast food restaurants, as a permitted use in mixed use developments; and

WHEREAS, upon review thereof, the Board makes the following preliminary determinations:

1. The proposed Action is one subject to review under the State Environmental Quality Review Act (“SEQRA”);
2. The proposed Action as an “Unlisted” action under SEQRA; and
3. The following are involved or interested agencies in the review of the Action under SEQRA:
 - Orangetown Planning Board;
 - Rockland County Department of Planning;
 - Rockland County Sewer District No. 1;
 - Rockland County Drainage Agency;
 - Rockland County Department of Health;
 - N.Y.S. Department of Environmental Conservation;
 - N.Y.S. Department of Transportation; and
 - Palisades Interstate Park Commission (the “PIPC”); and

WHEREAS, the Zoning Amendment must be referred to the Town of Orangetown Planning Board (the “Planning Board”) for a report and recommendation, the PIPC, the Rockland County Planning Board, and all other Involved Agencies pursuant to state and/or local law;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby declares its intent to serve as Lead Agency for the purpose of environmental review of the Action, and directs that: (i) a Lead Agency Coordination Letter with relevant documents be circulated to and among the various above referenced agencies; (ii) the Zoning Amendment and relevant documents be referred to the Planning Board, the PIPC, the Rockland County Planning Board and all other involved agencies; and (iii) the Special Permit Amendment and relevant documents be referred to the PIPC, the Rockland County Planning Board and all other involved agencies.

7. **APPROVE / ADDITIONAL SERVICES / AKRF, INC. / ORANGETOWN COMPREHENSIVE PLAN**

WHEREAS, the Town Board authorized, in Resolution 2021-185, the retention AKRF, Inc., Environmental, Planning and Engineering Consultants, White Plains, New York, to take appropriate measures to assist the Town in preparation of a Comprehensive Plan in accordance with their written proposal dated December 20, 2020 for the estimated fixed fee schedule of \$135,000, and

WHEREAS, the Town Board authorized an amendment to the agreement, in Resolution 2022-51, to add additional public workshops at a cost of \$17,880, and

WHEREAS, AKRF's contract included two Town Board meetings, however, they have attended a total of five Town Board meetings to date, on October 25, 2022, December 13, 2022, January 24, 2023, March 7, 2023 and April, 2023, and

WHEREAS, AKRF's contract included one round of edits following the close of the Public Hearing, however, they have provided three substantive rounds of edits on December, 5, 2022, March 1, 2023, and April 25, 2023, at the request of the Town Board, and

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes an amendment to the agreement as approved in Resolutions 2021-185 and 2022-51 to authorize payment of \$12,250, to AKRF, Inc., for additional services requested and incurred, including attendance at extra public hearings (\$2,500) and substantive edits of the comprehensive plan (\$9,750), and

BE IT FURTHER RESOLVED, the Town Board hereby authorizes AKRF, Inc. to provide additional consulting services, not to exceed \$7,500, 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.

TOWN ATTORNEY

8. **APPROVE / AUTHORIZE TOWN ATTORNEY TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING COURTLAND REALTY LLC V. THE BOARD OF ASSESSORS, ETC., ET AL. (68.12-2-6)**

RESOLVED , upon the recommendation of the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign settlement documents regarding the tax certiorari proceeding Courtland Realty LLC v. The Board of Assessors, etc., et al., tax map designation 68.12-2-6 (42-62 E. Crooked Hill Rd.), for the tax assessment years 2018 - 2022 for a total refund by the County of \$ 1,130, a total refund by the Town of \$3,505, and a total refund by the School District of \$12,322. Interest on the Town's liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the order based upon the settlement is served on the Rockland County Finance Department.

9. **APPROVE / AUTHORIZE TOWN ATTORNEY TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING RE. THIBAUT DELILLE AND MILAM LLC V. TOWN OF ORANGETOWN, AND NYACK UNION FREE SCHOOL DISTRICT (TAX LOT #60.78-1-48)**

RESOLVED that, upon the recommendation of the Tax Assessor, approve and authorize Robert V. Magrino, Town Attorney, and any of his Deputy Town Attorneys, to sign settlement documents regarding the tax certiorari proceeding Thibaut Delille, and Milam LLC v. Town of Orangetown, and Nyack Union Free School District (NYS Supreme Court, Rockland County, Index Numbers 033119/2020 & 033308/2022), for property commonly known as 235 North Broadway, Nyack (Tax Map Designation 60.78-1-48), for the tax assessment years 2020 through 2022, for a total refund by the Town of \$16,878.00, a total refund by the School District of \$63,769.00, and a total refund by the County of \$8,806.00. Interest on the Town's liability, as a result of a property tax assessment decrease or refund, is waived if payment is made within sixty (60) days after a copy of the Court Order, based upon the settlement, is served on the Rockland County Finance Department.

10. **RELEASE OF SMK GREEN SUBDIVISION MONEY HELD IN ESCROW IN LIEU OF PERFORMANCE BOND**

WHEREAS, the developer of the SMK Green Subdivision was required and did in fact post money in escrow in lieu of a performance bond in the amount of \$51,975.00 for the completion of certain public improvements related to the subdivision; and

WHEREAS, the Planning Board, after receiving recommendations from the Department of Environmental Management and Engineering (DEME) and the Superintendent of Highways, voted pursuant to PB#23-16 to recommend to the Town Board that the above referenced money in escrow in lieu of a performance bond be released; and

WHEREAS, the Town Attorney's Office also recommends that the above referenced money in escrow in lieu of a performance bond be released.

NOW, THEREFORE, BE IT RESOLVED, upon the recommendation of the Planning Board, the Town Highway Department, DEME and the Town Attorney's Office, the Board hereby authorizes the release of the money held in escrow in lieu of a performance bond in the sum of \$51,975.00 to the developer of the SMK Green Subdivision.

PARKS AND RECREATION

11. **APPOINT MICHAEL MAIORANO / SENIOR GROUNDWORKER / PROBATIONARY / EFFECTIVE MAY 15, 2023 / PARKS AND RECREATION**

RESOLVED, upon the recommendation of the Superintendent of Parks and Recreation, appoint Michael Maiorano to the position of Senior Groundswoker, probationary, Grade 13, Step 30, at a salary of \$110,831, effective May 15, 2023.

LEND ASSISTANCE

12. **COMBINE / APPROVE AGENDA ITEMS #13 TO 16**

RESOLVED, the Town Board hereby combines and approves agenda items #13 to 16.

13. APPROVE/ LEND ASSISTANCE /2023 GRAN FONDO NY RACE

RESOLVED, upon the recommendation of the Superintendent of Highways and Parks and Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of cones, barricades, barrels and detour signs from the Highway Department, the approval of the use of the Rail Trail from the Parks Dept., and traffic control from the Police Dept., for the Gran Fondo NY Race on Sunday, May 21, 2023 from 8am-3pm.

14. APPROVE/ LEND ASSISTANCE / 2023 GREEK FESTIVAL / ST. CONSTANTINE'S CHURCH

RESOLVED, upon the recommendation from the Superintendent of Highways & the Chief of Police, that the Town Board hereby authorizes these two departments to lend assistance which includes the use of cones, barricades, trash cans, recycling kiosks & bins, directional & no parking signs from the Highway Dept., and Auxiliary police from OPD, for the Greek Festival to be held from Thursday, June 1 – through Sunday, June 4, from 12pm – 12 am.

15. APPROVE / LEND ASSISTANCE / SHOWMOBILE / ROCKLAND GAA

RESOLVED, upon the recommendation from the Superintendent of Parks, Recreation & Building Maintenance and the completion of the necessary paperwork, the Town Board hereby approves the request for the use of the Town Showmobile at a rental cost of \$500.00 for the Nathen Carter Event to be held at the Rockland GAA on June 18, 2023.

16. APPROVE /LEND ASSISTANCE / SHOWMOBILE / HIGHWAY DEPT APWA EVENT

RESOLVED, upon the recommendation from the Superintendent of Parks, Recreation & Building Maintenance and the completion of the necessary paperwork, the Town Board hereby approves the request for the use of the showmobile for the Orangetown Highway Department on May 24, 2023 for the APWA Annual Equipment and Product Exposition.

TOWN CLERK

17. 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: 4/11/2023 Police Commission Meeting; 4/11 & 25/2023 Regular Town Board Meeting.
2. Agreement & Contracts:
 - New York State Energy Research & Development Authority (NYSERDA), Agreement No. 187914 - \$50,000, Clean Energy Communities Grant Project / purchase of electric automobile.
 - Hold Harmless Agreement with the South Orangetown School District for art students to paint a mural on the Rail Trail Tunnel (under Orangeburg Rd).

AUDIT

18. 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 **\$3,862,401.43**.

ITEMS PLACED ON AGENDA UPON A MOTION ON APRIL 23, 2023 BY COUNCILMAN TOM DIVINY AND SECONDED BY COUNCILMAN PAUL VALENTINE AND APPROVED BY A 4-1 VOTE:

19. APPOINT ASHLEY SCHUTTER / ACCOUNT CLERK-TYPIST / PROBATIONARY / GRADE 4, STEP 1 / EFFECTIVE MAY 10, 2023

RESOLVED, that upon the recommendation of the Commissioner of DEME, appoint Ashley Schutter to the position of Account Clerk-Typist from Eligible List #22184, Probationary, Grade 4, Step 1 at a salary of \$42,252, effective May 10, 2023.

20. APPOINT CHRISTOPHER SHEEHAN / CONFIDENTIAL ASSISTANT TO COMMISSIONER OF DEME / CHANGE RATE OF PAY / EFFECTIVE JUNE 19, 2023

RESOLVED, that upon the recommendation of the Commissioner of DEME, appoint Christopher Sheehan, Confidential Assistant to the Commissioner of DEME, at a change of salary from \$89,301.00 to \$107,000.00, effective June 19, 2023.

EXECUTIVE SESSION

21. 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.

ADJOURNMENTS

22. RE-ENTER RTBM / ADJOURNED / MEMORY

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

❖ **Esta Baitler**, *Resident of Sparkill*