



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday May 23, 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:

- ◆ The Camp Shanks Museum will be open from 11 am - 3 pm, most Saturdays and Sundays during the months of June, July and August.
- ◆ The following Public Hearings have been scheduled:
 - June 13, 2023: Adding a new chapter to the town code entitled "PUBLIC MEETINGS" to permit certain public bodies of town government to conduct public meetings via videoconferencing under extraordinary circumstances.
 - June 27, 2023: To amend the town code to permit restaurants, including fast food restaurants, as a permitted use in mixed-use developments.

PRESENTATIONS:

- ◆ Building Safety Month "*Building Safety Starts with You!*"- May 2023 - Presented to:
 - ★ Jane Slavin, OBZPAE Director
- ◆ National Public Works Week "*Connecting the World Through Public Works*" - Sunday, May 21 - Saturday, May 27, 2023 - Presented to:
 - ★ James J. Dean, Superintendent of Highways
 - ★ Aric Gorton, Parks and Recreation Superintendent
 - ★ Eamon Reilly, DEME Commissioner

- ♦ **Mental Health Awareness Month - May 2023 - Presented to:**
 - ★ **Sandra Wolf, President of NAMI Rockland Board of Directors**
 - ★ **Rena Finkelstein, Board Member of NAMI and Past President**
- ♦ **Office of Emergency Management: CSX**
- ♦ **2023 Memorial Day Poem by Rose Marie Raccioppi, Poet Laureate, Orangetown, NY to be read by Deputy Town Supervisor Denis Troy**

We gather, we pray, we join hearts, this MEMORIAL Day 2023

Skyward be our eyes...

A feeling, a thought, and skyward be our eyes
 The solace of light within supernal skies
 Blessings of ALL we do feel
 The touch of GOD ever real
 And in this moment as Below as Above
 Beheld we be by the embrace of Love
 From the light a resounding WORD
 The message of GOD, the ALL be heard
 Our Sons and Daughters in blessed memories they be
 For the valor and sacrifices made to defend land, sky, and sea
 Held within our hearts be memories of sweet times shared
 We in PRAISE Salute those who are in GOD's heavenly care
 And so this moment, this hour, this day, a blessed salute we give
 To those who with sacrifice of life defended the freedoms we live.

Rose Marie Raccioppi
Poet Laureate
Orangetown, New York

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. **OPEN PUBLIC HEARING / MAY 23, 2023 AT 7:05 P.M. / RE: PROPOSED ZONE CHANGE FOR 175 EAST WASHINGTON AVENUE, PEARL RIVER, NY**

RESOLVED, that the Public Hearing regarding the Proposed Zone Change for 175 East Washington Avenue, Pearl River, New York. is hereby opened.

SUMMARY OF COMMENTS:

4. **CLOSE OR CONTINUE PUBLIC HEARING / RE: PROPOSED ZONE CHANGE FOR 175 EAST WASHINGTON AVENUE, PEARL RIVER, NY**

RESOLVED , that the Public Hearing regarding the Proposed Zone Change for 175 East Washington Avenue, Pearl River, NY is hereby closed or continued to _____.

5. **ADOPT A NEGATIVE DECLARATION WITH RESPECT TO LOCAL LAW NO. __ OF 2023, AMENDING THE TOWN ZONING LAW TO CHANGE THE ZONING DISTRICT, 175 EAST WASHINGTON AVENUE, PEARL RIVER TAX LOT 68.16/5/56 FROM “CC” TO “RG”**

WHEREAS, the Town Board has considered the adoption of an amendment to Chapter 43, § 2.2, of the Town Code, establishing the Town Zoning Map, to change the zoning classification of the parcel known as 175 East Washington Avenue in the hamlet of Pearl River, tax lot Section 68.16 Block 5 Lot 56 from “CC” to “RG”, and

WHEREAS, on or about, pursuant to Town Board Resolution 2023-211 the Town Board circulated amongst various potential interested agencies notice of its intention to assume Lead Agency status for the purpose of the environmental review of the above referenced action; and

WHEREAS, being the only Involved Agency, the Town Board hereby assumes the role of Lead Agency for environmental review; and

WHEREAS, acting in its capacity as Lead Agency for environmental review, and after taking a “hard look” at all of the potential environmental impacts that might result from the proposed action, the Town Board has concluded that there will be no significant environmental impact or effect caused or occasioned by the proposed change in the zoning classification of the subject parcel affected by the proposed Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the Negative Declaration annexed hereto, and authorizes the Town Supervisor or her designated agent to execute the Environmental Assessment Form and to take such other and further steps as may be necessary to discharge the Town Board’s responsibilities as Lead Agency.

6. **ADOPT LOCAL LAW / PROPOSED ZONE CHANGE FOR 175 EAST WASHINGTON AVENUE, PEARL RIVER, NY.**

WHEREAS, the Town Board of the Town of Orangetown (the “Town Board”) is the duly elected legislative body of the Town, authorized to adopt zoning text amendments to the Town’s Zoning Law; and

WHEREAS, the Town Board has considered the adoption of an amendment to Chapter 43, § 2.2 to change the zoning district of the parcel known as 175 East Washington Avenue in the hamlet of Pearl River, tax lot 68.16/5/56 being located in the “CC” (Retail-Commerce) zoning district, to change the zoning classification of the property to that of “RG” (General Residence), a zoning district that already directly abuts the property, and

WHEREAS, by Resolution No. 211 of 2023, after notice duly given, and there being no other involved agency, by resolution duly adopted this 23rd day of May, 2023, the Town Board assumed the role of Lead Agency under SEQRA for environmental review, and, acting in its capacity as such, concluded that there will be no significant environmental impact or effect caused or occasioned by the proposed change in the Town’s Zoning Law and determined the issuance of Negative Declaration is appropriate; and

WHEREAS, following due notice, a public hearing was conducted on the proposed zone change amendment; and

WHEREAS, the Board has concluded that the proposed zone change which changes the zoning classification of the subject parcel to a zoning district which already abuts the parcel due to a previous zone change, is consistent with the Town’s Comprehensive Plan wherein it indicates on page IV-2 that “encouraging additional residential uses along this roadway (Middletown Road) would also be beneficial, strengthening the roadway’s mixed -use character”, and the subject property is two parcels away from Middletown Road, and otherwise is in the best interests of the Town and the owner of the parcel, who has requested the change of zoning classification; and

WHEREAS, the Town Planning Board, pursuant to Town Code Chapter 43, § 10.5, and the County Planning Department, pursuant to General Municipal Law §§ 239 l & m, have each reviewed the proposed law; and

WHEREAS, the Town Planning Board, by Memorandum, dated May 11, 2023, following due consideration at a public meeting held on the same date, has indicated that it does not object to the Town Board serving as Lead Agency on the matter and otherwise had no comment on the proposed action by the Town Board, and

WHEREAS, the Town Board finds that amending the zoning classification of this property will not have a significant impact on traffic or emergency services in the area, , and

WHEREAS, the County Department of Planning, as part of the General Municipal Law 239 (l) and (m) review, by letter review dated May 2, 2023, has recommended the petition for the zone change be approved,

NOW, THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, AND THE FINDINGS MADE HEREIN, BE IT RESOLVED, that the Town Board hereby adopts the within Local Law, amending the Town Zoning Law, and the Town Zoning Map made a part of the Town Code at Chapter 43, § 2.2., and changes the zoning classification

of the referenced parcel known as 175 East Washington Avenue Pearl River, New York, tax lot 68.16/5/56 from “CC” to “RG”.

7. **RESUME PUBLIC HEARING OF APRIL 11, 2023 AND ADJOURN TO JUNE 27, 2023 AT 7:10 PM / ACCEPT DRAFT COMPREHENSIVE PLAN / CONSIDER ADOPTING THE ORANGETOWN COMPREHENSIVE PLAN**

RESOLVED, that the Public Hearing regarding the Draft Comprehensive Plan and to Consider Adopting the Orangetown Comprehensive Plan is hereby resumed and adjourned to June 27, 2023 at 7:10 pm.

8. **APPROVE / 2023 HIGH SCHOOL PROJECT GRADUATION FUNDING**

RESOLVED, that upon the recommendation of the Director of Finance, **PROJECT GRADUATION** funding for 2023 is hereby approved as follows and charged to Account No. A4211.457:

Pearl River High School	\$1,500.00
Tappan Zee High School	\$1,500.00
Nanuet High School	\$750.00
Nyack High School	\$750.00
Albertus Magnus High School	\$400.00

9. **OPPOSING THE DISCHARGE OF CONTAMINATED WATER FROM INDIAN POINT INTO THE HUDSON RIVER AND URGING THE NYS LEGISLATURE TO SUPPORT S.6893 AND A.7208 AMENDING THE ENVIRONMENTAL CONSERVATION LAW IN RELATION TO THE DISCHARGE OF ANY RADIOLOGICAL AGENT INTO THE HUDSON RIVER**

WHEREAS, the company decommissioning the Indian Point nuclear power plant has announced its intention to release water from onsite radioactive fuel waste pools into the Hudson River; and

WHEREAS, to date there has been no specific reporting of the radionuclide contents of this water which is heavily contaminated from the storage of the nuclear fuel waste; and

WHEREAS, pre-release filtration to remove these isotopes has been presented as a solution to reduce the content of these carcinogenic contaminants to a level “as low as reasonably achievable;” and

WHEREAS, the National Academy of Science has indicated that there is no verifiable safe level of these isotopes when they are ingested or inhaled and such pre-release treatment would not remove tritium, also carcinogenic, from the water; and

WHEREAS, any contaminants in the Hudson present the risk of entering the food chain; and

WHEREAS, there are community members who depend on fish from the river as a food source, and in addition, there are seven communities upriver who source their drinking water from the Hudson; and

WHEREAS, since the river is an estuary that flows from south to north as well as from north to south, this fact must be considered; and

WHEREAS, the river also serves as a source of recreational activities and represents an economic resource that will be endangered by this reckless action; and

WHEREAS, New York Senate bill S.6893 and New York State Assembly bill A.7208 have been introduced, an act to amend the Environmental Conservation Law to prohibit the discharge of any radiological agent into the Hudson River; and

NOW THEREFORE, BE IT RESOLVED, that the Orangetown Town Board hereby strongly opposes the plan to release over a million gallons of contaminated water from the Indian Point Nuclear Power Plant site into the Hudson River; and

BE IT FURTHER RESOLVED, that the Orangetown Town Board hereby urges the New York State Senate to pass S.6893 and the New York State Assembly to pass A.7208 - an act to amend the Environmental Conservation Law to prohibit the discharge of any radiological agent into the Hudson River and urges the governor to sign such legislation; and

BE IT FURTHER RESOLVED, that the Clerk to the Town Board is hereby authorized and directed to send a certified copy of this resolution to the Hon. Kathy Hochul, Governor of the State of New York; Hon. Bill Weber, New York State Senator; Hon. John W. McGowan, Member of the New York State Assembly; the President Pro Tempore of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; the New York State Public Service Commission, the New York State Department of Environmental Conservation, the Indian Point Decommissioning Oversight Board; and to such other persons as the Clerk in her discretion may deem proper in order to effectuate the purpose of this resolution.

TOWN BOARD / IT

10. APPROVE / A+ TECHNOLOGIES / NEW TOWN HALL SECURITY CAMERAS

RESOLVED that, upon the recommendation of the IT Department and the Town Board, and pursuant to §1A-13(F) of the Orangetown Code and NYS General Municipal Law §103(16) providing for “piggybacking” of municipal purchases, the Town Board awards the contract for the security/surveillance cameras for the new Town Hall in the amount of \$132,141.82 using the TIPS (The Interlocal Purchasing System) contract number #230202. The full amount is to be charged to A.1682.457.

TOWN ATTORNEY

11. APPROVE ENGAGEMENT AGREEMENT WITH HODGES WALSH BURKE / BARKAI V. TOWN / MIELE V. TOWN

RESOLVED, on the recommendation of the Town Attorney, approve the retention of Hodges Walsh and Burke, White Plains, New York to provide legal services for the Town in the matter of Barkai v. Orangetown, USDNY 21 -civ 4060 and Miele v. Orangetown, Rockland Index No. 031572/2023, at the rate of no more than \$200.00 per hour and on the

terms and conditions set forth more fully in a proposed Letter of Engagment, incorporated by reference herein, and authorize the Supervisor, or her designated representative, to execute a copy thereof.

HIGHWAY

12. **APPROVE CORNELL UNIVERSITY LOCAL ROADS PROGRAM / PETER BLICKLEY / APRIL 27, 2023**

RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby approves Peter Blickley, Highway Department, to attend 1 class through Cornell Local Roads on the above date at a cost of \$50.00, charged to Account Number D.5110.457.04.

PARKS AND RECREATION

13. **APPROVE / CHANGE ORDER #1 / BLUE HILL GOLF COURSE CART PATH REPAIRS**

RESOLVED, upon the recommendation of the Superintendent of Parks, Recreation and Building Maintenance approve change order number one, for additional cart path repairs in the amount of \$12,880.000 increasing the total contract cost to \$53,032.00.

14. **AWARD BID / ROOF MAINTENANCE AND REPAIRS / HAYDEN BUILDING MAINTENANCE**

RESOLVED that upon the recommendation of the Superintendent of Parks, Recreation & Building Maintenance award the bid for roof maintenance and repairs to Hayden Building Maintenance of West Nyack, NY in the amount of: \$11,050.00, the only qualified bidder.

DEME

15. **ACCEPT WITH REGRET, THE RESIGNATION / RETIREMENT OF JOSEPH MULROE /MUNICIPAL AIDE /D.E.M.E./SEWER DEPARTMENT / EFFECTIVE MAY 27, 2023**

RESOLVED, that the Commissioner of D.E.M.E. and the Town Board accepts with regret, the resignation/retirement of Joseph Mulroe, Municipal Aide, from the D.E.M.E./Sewer Department, after 33 years, effective May 27, 2023.

LEND ASSISTANCE

16. **COMBINE / APPROVE AGENDA ITEMS #17 TO 22**

RESOLVED, the Town Board hereby combines and approves agenda items #17 to 22.

17. **APPROVE/ LEND ASSISTANCE/ ROCKLAND SOLACE SUNRISE SUICIDE PREVENTION WALK/ SATURDAY, JUNE 3, 2023**

RESOLVED, upon the recommendation from the Superintendent of Highways & the Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of barricades & cones from the Highway Department and Police detail from OPD, for the Solace Sunrise Suicide Prevention Walk in Orangeburg, to be held on Saturday, June 3, 2023, from 5:30am – 7:30 am.

18. **APPROVE / LEND ASSISTANCE / PLUS POLISH FESTIVAL / SATURDAY JUNE 3 - SUNDAY JUNE 4, 2023**

RESOLVED, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of barricades, plastic barrels, cones, one message board, sidewalk control on road edge and plastic fencing from the Highway Department and auxiliary police from OPD, for the Plus Polish Festival to be held on Saturday, June 3, 2023 from 11am to 10pm and Sunday, June 4, 2023 from 11am to 9pm.

19. **APPROVE/ LEND ASSISTANCE/ CLAUSLAND MOUNTAIN WATCHFIRE/ MAY 30, 2023**

RESOLVED, upon the recommendation of the Superintendent of Highways, that the Town Board hereby authorizes these departments to lend assistance which includes the use of a 500 gallon tank from the Highway Department for the Clausland Mountain Watchfire at Nike Park, to be held on Tuesday, May 30, 2023.

20. **APPROVE / LEND ASSISTANCE/ 2023 PALISADES MEMORIAL DAY CEREMONY / MAY 29, 2023**

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 barricades from the Highway Dept., and auxiliary police detail from the Police Dept., for the Palisades Memorial Day Parade to be held on Monday, May 29, 2023 from 8:45 am - 9:45 am.

21. **APPROVE / LEND ASSISTANCE / 2023 SPARKILL MEMORIAL DAY PARADE / MAY 29, 2023**

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 barricades from the Highway Dept., and auxiliary police detail from the Police Dept., for the Sparkill Memorial Day Parade to be held on Monday, May 29, 2023, from 11:30 am - 12:30 pm.

22. APPROVE/ LEND ASSISTANCE/ ST. JOHN HENRY NEWMAN EUCHARISTIC PROCESSION

RESOLVED, upon the recommendation of the Superintendent of Highways and the Chief of Police that the Town Board hereby authorizes these departments to lend assistance which includes road use from the Highway Department and police assistance from the Police Department for the St. John Henry Newman Eucharistic Procession on Sunday, June 11, 2023 from 9:50am- 10:30am.

AUDIT

23. 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 one (1) warrant (attached) for a total of **\$1,353,162.32**.

EXECUTIVE SESSION

24. ENTER EXECUTIVE SESSION

RESOLVED, at ____ pm, the Town Board entered Executive Session to discuss proposed, pending or current litigation.

ADJOURNMENTS

25. RE-ENTER RTBM / ADJOURNED / MEMORY

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

- ❖ **Joseph Brady**, *Former Resident of Pearl River*
- ❖ **Ed Coffey**, *Resident of Pearl River*
- ❖ **Debra Ford**, *Resident of Nanuet*
- ❖ **Theresa Gaglio**, *Mother of Mary Cardenas, Town Historian*
- ❖ **Donald Gash**, *Father in-law to Orangetown Employee Bob Gerard*
- ❖ **Elsi Marlene Zamora**, *Sister to Orangetown Employee Nelson Zamora*