



**TOWN OF ORANGETOWN REGULAR TOWN MEETING  
Tuesday January 28, 2020**

This Town Board Meeting was opened at 7:30 PM.

Councilman Denis Troy \_\_\_\_\_  
Councilman Thomas Diviny \_\_\_\_\_  
Councilman Paul Valentine \_\_\_\_\_  
Councilman Jerry Bottari \_\_\_\_\_  
Supervisor Teresa M. Kenny \_\_\_\_\_

**Pledge of Allegiance to the Flag**

**ANNOUNCEMENTS:**

**ORANGETOWN WILL BE HOSTING A PUBLIC INFORMATION SESSION REGARDING  
ITS PARTICIPATION IN THE COMMUNITY CHOICE AGGREGATION (CCA) PROGRAM:**

**Saturday, February 8, 2020 - Court Room 1 / 2:00 P.M - 3:00 P.M.**

**Tuesday, February 25, 2020 - Court Room 1 / 6:00 P.M. to 7:00 P.M.**

**DESIGNATE MUNICIPAL AND RECREATION LANDS AT TOWN-OWNED LANDS AT RPC**

**PRESENTATIONS:**

**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**

**1. OPEN PUBLIC HEARING / RTBM JANUARY 28, 2020 AT 7:45 P.M. / ORANGEBURG COMMONS / ZONING TEXT AMENDMENT**

RESOLVED, that the Public Hearing to consider the petition of Orangeburg Commons, is hereby opened.

Presentation of Affidavit of Public Hearing posting, publication and mailing of comments from outside agencies.

SUMMARY OF COMMENTS:

**2. CLOSE / CONTINUE PUBLIC HEARING / ORANGEBURG COMMONS**

RESOLVED, that the Public Hearing regarding the petition of Orangeburg Commons is hereby closed or continued to \_\_\_\_\_.

**3. SEQRA / DECLARE LEAD AGENCY / ZONING TEXT AMENDMENT / SPECIAL PERMIT AMENDMENT MAXIMUM PERCENTAGE OF TOTAL GROSS FLOOR AREA THAT CAN BE DEVELOPED FOR RETAIL AND/OR RESTAURANTS/ MIXED USE DEVELOPMENTS AND MIXED USE EXPANSIONS / LI ZONING DISTRICT**

**WHEREAS**, the Town Board has before it an application seeking an amendment to the Town Zoning Law, at Chapter 43, § 4.32(O)(iv)(b), to change to thirty five percent (35%) the maximum percentage of total gross floor area that can be developed for retail, personal service establishments and/or restaurants pursuant to a special permit issued for a Mixed Use Development under Section 4.32(O) of the Town of Orangetown Zoning Ordinance (the "Zoning Amendment"), together with an Application for an amendment of an existing special use permit, in the event the text amendment shall be approved and become effective, relating to property within the LI zoning district, in the vicinity of the intersection of State Rte. 303 and the Palisades Interstate Parkway (Exit 5 Interchange), in the Town of Orangetown on Parcels Section 74.15, Block 1, Lots 21./1, 21./2, 21./3, 21./4, and 21./5 commonly known as "Orangeburg Commons" to allow the percentage of retail, personal service establishments and/or restaurants in such development to be 34.55% (the "Special Permit Amendment"; the Zoning Amendment and the Special Permit Amendment, collectively, the "Action");

**WHEREAS**, by resolution 686 of 2019, duly adopted the 17th day of December, 2019, the Town Board declared its intention to serve as Lead Agency for the environmental review of such proposed action under the State Environmental Quality Review Act (SEQRA), and further directed that that a Lead Agency Coordination Letter, be circulated to and among the various involved and/or interested agencies; and,

**WHEREAS**, furtherance of the aforesaid resolution, on 12/23/2019, the Town Clerk circulated a letter, together with relevant documents, to the following involved and/or interested agencies, advising of the Town Board's stated intention and requesting the consent of each thereto:

- 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;
- Palisades Interstate Park Commission

And,

**WHEREAS**, more than 30 days have passed since notice of the Board’s intention was circulated and no other agency has contested, or objected to, the Town Board’s decision to serve as Lead Agency,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Orangetown hereby declares itself to be Lead Agency for the coordinated environmental review of the proposed action, and, acting in such capacity, makes the further determination that the proposed action is an “unlisted action” under SEQRA.

4. **NEGATIVE DECLARATION ZONING TEXT AMENDMENT SPECIAL PERMIT/  
AMENDMENT MAXIMUM PERCENTAGE OF TOTAL GROSS FLOOR AREA/ MIXED  
USE DEVELOPMENTS AND MIXED USE EXPANSIONS / LI ZONING DISTRICT**

**WHEREAS**, in connection with its consideration and review of a proposed Local Law, amending the text of the Town Zoning Law at Chapter 43, § 4.32(O)(iv)(b), to change to thirty five percent (35%) the maximum percentage of total gross floor area that can be developed for retail, personal service establishments and/or restaurants pursuant to a special permit issued for a Mixed Use Development under Section 4.32(O) of the Town of Orangetown Zoning Ordinance (the “Zoning Amendment”), together with an Application for an amendment of an existing special use permit, together with an Application for an amendment of an existing special use permit, in the event the text amendment shall be approved and become effective, relating to property within the LI zoning district, in the vicinity of the intersection of State Rte. 303 and the Palisades Interstate Parkway (Exit 5 Interchange), in the Town of Orangetown on Parcels Section 74.15, Block 1, Lots 21./1, 21./2, 21./3, 21./4, and 21./5 commonly known as “Orangeburg Commons” to allow the percentage of retail, personal service establishments and/or restaurants in such development to be 34.55% (the “Special Permit Amendment”; the Zoning Amendment and the Special Permit Amendment, collectively, the “Action”); the Town Board by resolution of even date herewith, assumed the role of lead agency for the environmental review of such action under the State Environmental Quality Review Act, and made the further determination that the proposed action (the adoption of the text amendment and issuance of a special permit) are unlisted actions under the State Environmental Quality Review Act (“SEQRA”); and,

**WHEREAS**, in furtherance of its obligations as lead agency, the Town Board has reviewed and considered the following information, studies and documents submitted in connection with the proposed action:

1. Full Environmental Assessment Form, signed by Alfred T. Rossi on behalf of the applicants;
2. Petition for Amendment of the Town Code signed by Richard Birdoff, Managing Member of the FB Orangetown Entities;
3. Plans and Drawings, "Amended Site Plan for Orangeburg Commons Residence Inn/Fairfield Inn Dual Brand Hotel, prepared by Leonard Jackson Associates, last revised October 11, 2019, including the following:
  - Overall Site Plan;
  - Part Plan
4. Floor Plans and Elevations for the Residence Inn/Fairfield Inn Dual Brand Hotel, Prepared by JAL Architecture and Engineering, PC Dated October 23, 2019;

Overall First Floor Plan  
Overall Second Floor Plan  
Overall Exterior Elevations (with signage)  
Partial Exterior Elevations

**WHEREAS**, the Town Board has further considered the legislative history of the existing, and far more comprehensive Mixed-Use Development and Mixed Use Expansion provisions of the Town Zoning Law (expressly incorporated herein by reference), as well as the empirical evidence that now exists relating to, and as a result of mixed-use developments approved under such zoning provisions; and

**WHEREAS**, the Town Board has carefully considered the public presentations by and/or on behalf of the parties who petitioned for the proposed amendments; and

**WHEREAS**, the members of the Board are each familiar with the locations affected by the proposed amendment and amended special permit; and

**WHEREAS**, the Town Board has further considered the comments of the Rockland County Department of Planning, dated January 16, 2020,

**NOW, THEREFORE, BE IT RESOLVED**, having taken a hard look at all of the potential environmental impacts that might result from the proposed action, the Town Board, acting in its capacity as Lead Agency under SEQRA, concludes that there will be no significant environmental impacts or effects caused or occasioned by the adoption of the proposed Local Law or Amended Special Permit for retail, personal service establishments and/or restaurants pursuant to a special permit issued for a Mixed Use Development under Section 4.32(O) of the Town of Orangetown Zoning Ordinance and to change the maximum percentage of total gross floor area ratio, and issues a Determination of Non-Significance with respect to the referenced action in the form annexed hereto, and authorizes the Town Supervisor, or her designated agent, to sign and circulate same, and to take such other and further steps as may be necessary to discharge the Town Board's responsibilities as Lead Agency in accordance with the applicable provisions of law.

5. **ADOPT/ LOCAL LAW NO. \_\_\_\_, 2020 ZONING TEXT AMENDMENT SPECIAL PERMIT/ MAXIMUM PERCENTAGE OF TOAL GROSS FLOOR AREA THAT CAN BE DEVELOPED FOR RETAIL AND/OR RESTAURANTS/ MIXED USE DEVELOPMENTS AND MIXED USE EXPANSIONS / LI ZONING DISTRICT**

**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**, by letter application dated October 29, 2019, and Petition dated October 18, 2019, FB Orangetown Retail, LLC and other related entities petitioned the Town Board to amend the Town Zoning Law, to amend Town Code, Chapter 43 (Zoning) at Chapter 43, § 4.32(O)(iv)(b), to change to thirty five percent (35%) the maximum percentage of total gross floor area that can be developed for retail, personal service establishments and/or restaurants pursuant to a special permit issued for a Mixed Use Development under Section 4.32(O) of the Town of Orangetown Zoning Ordinance (the “Zoning Amendment”), together with an Application for an amendment of an existing special use permit, in the event the text amendment shall be approved and become effective, relating to property within the LI zoning district, in the vicinity of the intersection of State Rte. 303 and the Palisades Interstate Parkway (Exit 5 Interchange), in the Town of Orangetown on Parcels Section 74.15, Block 1, Lots 21./1, 21./2, 21./3, 21./4, and 21./5 commonly known as “Orangeburg Commons” to allow the percentage of retail, personal service establishments and/or restaurants in such development to be 34.55% (the “Special Permit Amendment”; the Zoning Amendment and the Special Permit Amendment, collectively, the “Action”); and

**WHEREAS**, by resolution 686 of 2019, duly adopted the 17<sup>th</sup> day of December, 2019, the Town Board declared its intention to serve as Lead Agency for the environmental review of such proposed action under the State Environmental Quality Review Act (SEQRA), and further directed that that a Lead Agency Coordination Letter, be circulated to and among the various involved and/or interested agencies; and,

**WHEREAS**, furtherance of the aforesaid resolution, on February 14, 2018, the Town Attorney circulated a letter, together with relevant documents, to the following involved and/or interested agencies, advising of the Town Board’s stated intention and requesting the consent of each thereto:

- Orangetown Planning Board;
- Rockland County Department of Planning;
- Rockland County Sewer District No. 1;
- Rockland County Drainage Agency;
- N.Y.S. Department of Environmental Conservation;
- N.Y.S. Department of Transportation;
- Palisades Interstate Park Commission

And,

**WHEREAS**, more than 30 days having passed since notice of the Board’s intention was circulated and no other agency has contested, or objected to, the Town Board by resolution

of even date herewith (but adopted prior to this resolution), the Town Board declared itself to be Lead Agency for the within action, and, acting in such capacity, concluded that there would be no significant adverse environmental impact as a result thereof, whereupon it issued a Determination of Non-significance; and

**WHEREAS**, in addition to the letter application, Petition, Proposed Local Law, and Determination of Non-significance, the Town Board has further considered, the following in connection with its review of the proposed text amendment:

5. Full Environmental Assessment Form, signed by Alfred T. Rossi on behalf of the applicants;
6. Petition for Amendment of the Town Code signed by Richard Birdoff, Managing Member of the FB Orangetown Entities;
7. Plans and Drawings, "Amended Site Plan for Orangeburg Commons Residence Inn/Fairfield Inn Dual Brand Hotel, prepared by Leonard Jackson Associates, last revised October 11, 2019, including the following:
  - Overall Site Plan;
  - Part Plan
8. Floor Plans and Elevations for the Residence Inn/Fairfield Inn Dual Brand Hotel, Prepared by JAL Architecture and Engineering, PC Dated October 23, 2019;

Overall First Floor Plan  
Overall Second Floor Plan  
Overall Exterior Elevations (with signage)  
Partial Exterior Elevations

and,

**WHEREAS**, the Town Board has further considered the legislative history of the existing, and far more comprehensive Mixed-Use Development and Mixed Use Expansion provisions of the Town Zoning Law (expressly incorporated herein by reference), , as well as the empirical evidence that now exists relating to, and, as a result of, mixed-use developments approved under such zoning provisions; and

**WHEREAS**, the Town board has carefully considered the public presentations by and/or on behalf of the parties who petitioned for the proposed amendments; and

**WHEREAS**, the members of the Board are each familiar with the locations affected by the proposed amendment and special permit; and

**WHEREAS**, the proposed zoning text amendment and related documents also were circulated for comment to the N.Y.S. Department of Transportation and the Palisades Interstate Park Commission, which, to date, have not offered comments; and

**WHEREAS**, in addition to the aforesaid, the Town Board also has evaluated the proposed amendments in the light of the following studies, reports and /or other assessments and reviews relating more generally to conditions in and about the area of the proposed amendment:

- Town of Orangetown Comprehensive Plan, adopted by the Town Board on May 12, 2003, and, in particular, Sections III-3 and V-1 relative to the intersection area embraced by the proposed zoning text amendment;
- The Town’s existing Route 303 Overlay Zoning District zoning provisions;
- The Route 303 Sustainable Development Study, dated December 2002, prepared by Wilbur Smith Associates, for the Town of Orangetown, the New York State Department of Transportation, the County of Rockland, the New York State Metropolitan Transportation Council.

and,

**WHEREAS**, the members of the Board are each familiar with the location affected by the proposed amendments; and

**WHEREAS**, following various public presentations and discussions of the proposed amendment by and before the Board, following notice duly published, a public hearing on the proposed Local Law was conducted on January 28, 2020, at which time all members of the public wishing to speak were afforded the opportunity to do so; and

**WHEREAS**, the within application and Petition were circulated to the Rockland County Department of Planning for review and comment pursuant to General Municipal Law §§ 239-l & m, which responded by letter dated January 16, 2020. County Planning indicated, among other items, that

- The Town must consider the precedent being set which could result in a higher volume of traffic with greater parking requirements.
  - Response: This is a de minimus change and the additional space is for a new enlarged and improved lobby, and lounge, among other amenities. The Board finds this change will not negatively impact local roads, sewer or stormwater management systems.
- Spot zoning is rezoning of a single parcel or small area to benefit one or more property owners. The impact of the increase must be assessed, including the cumulative impact to the surrounding community.
  - Response: The de minimus change will not effect the neighboring properties to any significant degree. The property already has approval for the anticipated uses, and this change will not materially impact neighboring properties.

**NOW, THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE BOARD, BE IT RESOLVED**, that the Town Board hereby adopts Local Law No. \_\_\_\_\_, of 2020, amending the Town Code of the Town of Orangetown, at Chapter 43, § 4.32(O)(iv)(b), to change to thirty five percent (35%) the maximum percentage of total gross floor area that can be developed for retail, personal service establishments and/or restaurants pursuant to a special permit issued for a Mixed Use Development under Section 4.32(O) of the Town of Orangetown Zoning Ordinance (the “Zoning Amendment”) as more fully set forth in Local Law No. \_\_\_\_\_ of 2020, below, and expressly incorporated herein by reference

6. **AMENDING CHAPTER 43 § 4.32(O)(iv)(b)(2) OF THE TOWN CODE, RELATING TO SPECIAL PERMITS IN THE “LI” ZONING DISTRICT FOR MIXED USE DEVELOPMENT AND MIXED USE EXPANSIONS**

Be it enacted, by the Town Board of the Town of Orangetown as follows:

Section 1: Section 4.32(O)(iv)(b)(2) shall be amended with respect to total gross floor area ratio. As amended, Section 4.32(O)(iv)(b)(2) shall read (Deletions are ~~strikethrough~~, additions underlined):

Consistent with the concerns expressed in the Town's Comprehensive Plan for the development of the areas subject to this special permit use, where the proposed mixed uses include retail, personal service establishments and/or restaurants, the Town Board, when granting the special permit, shall determine the maximum amount, if any, of each such use that may be permitted; provided further, however, that the total gross floor area that may be developed for all such uses, upon completion, shall not exceed ~~30%~~ 35% of the total gross floor area to be developed. If built in phases, not more than 45% of the development may consist of such uses during any initial phase of development. Building permits and/or certificates of occupancy shall not be issued for any of the mixed uses, unless compliance with the above percentages is met. Consistent with the above limitations, the Town Board shall determine, in its sole discretion, in the special permit review process, the percentage of gross floor area, if any, that may be developed for retail and/or personal service uses during any phase of development.

Section 2. Severability. If any part or provision of this local law, or the application thereof to any person or circumstance, is adjudged invalid or unconstitutional by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law, or the application thereof to other persons or circumstances. The Town Board hereby declares that it would have enacted the remainder of this local law even without any such invalid or unconstitutional part, provision or application.

Section 3: This Local Law shall take effect immediately upon filing with the Secretary of State.



7. **OPEN PUBLIC HEARING / RTBM OF JANUARY 28, 2020 AT 8:00 P.M. / INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ORANGETOWN SEWER DISTRICT IN THE TOWN OF ORANGETOWN, ROCKLAND COUNTY, NY**

RESOLVED, that the Public Hearing to consider the bond re Increase and Improvement of the Facilities of the Orangetown Sewer District in the Town of Orangetown, Rockland County, NY is hereby opened.

Presentation of Affidavit of Public Hearing Posting, publication, and mailing and comments from outside agencies.

SUMMARY OF COMMENTS:

8. **CLOSE / CONTINUE PUBLIC HEARING / INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ORANGETOWN SEWER DISTRICT IN THE TOWN OF ORANGETOWN, ROCKLAND COUNTY, NY**

RESOLVED, that the Public Hearing regarding the Increase and Improvement of the Facilities of the Orangetown Sewer District in the Town of Orangetown, Rockland County, NY is hereby closed or continued to \_\_\_\_\_.

9. **\*\*PLACE HOLDER\*\* ADOPT THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ORANGETOWN SEWER DISTRICT IN THE TOWN OF ORANGETOWN, ROCKLAND COUNTY, NY**

10. **REAPPOINT DEBORAH STUHLWEISSENBERG / MEMBER / ARCHITECTURE & COMMUNITY APPEARANCE BOARD OF REVIEW (ACABOR) / 2020 / 3 YEAR TERM**

RESOLVED, that DEBORAH STUHLWEISSENBERG is hereby reappointed Member to the Orangetown Architecture & Community Appearance Board of Review for a period of 3-years, commencing January 01, 2020 and expires on December 31, 2024.

11. **APPOINT KENYATTA-JONES ARIETTA / MEMBER / ARCHITECTURE & COMMUNITY APPEARANCE BOARD OF REVIEW (ACABOR) / 2020 / 3 YEAR TERM**

RESOLVED, that KENYATTA-JONES ARIETTA is hereby appointed Member to the Orangetown Architecture & Community Appearance Board of Review for a period of 3-years, commencing January 01, 2020 and expires on December 31, 2024.

12. **APPOINT SHARON BURKE / MEMBER / ARCHITECTURE & COMMUNITY APPEARANCE BOARD OF REVIEW (ACABOR) / 2020 / 1 YEAR TERM/ TO FILL THE UNEXPIRED TERM OF KATIE BECKMANN**

RESOLVED, that SHARON BURKE is hereby appointed Member to the Orangetown Architecture & Community Appearance Board of Review for a period of 3-years, commencing January 01, 2020 and expires on December 31, 2020, to fill the unexpired term of Katie Beckmann.

**13. APPOINT JOSEPH MILILLO / MEMBER / ARCHITECTURE & COMMUNITY APPEARANCE BOARD OF REVIEW (ACABOR) / 2020 / 3 YEAR TERM**

RESOLVED, that JOSEPH MILILLO is hereby appointed Member to the Orangetown Architecture & Community Appearance Board of Review for a period of 3-years, commencing January 01, 2020 and expires on December 31, 2024.

**14. REAPPOINT CHRIS DUNNIGAN / CHAIRMAN / ARCHITECTURE & COMMUNITY APPEARANCE BOARD OF REVIEW (ACABOR) / 2020 / 1 YEAR TERM**

RESOLVED, that CHRIS DUNNIGAN is hereby appointed Chairman to the Architecture & Community Appearance Board of Review (ACABOR) for a period of 1-year, commencing January 01, 2020 and expiring on December 31, 2020.

**15. REAPPOINT BOB NELAN / MEMBER / ORANGETOWN HOUSING AUTHORITY / 5 YEAR TERM**

RESOLVED, that BOB NELAN is hereby reappointed as Member to the Orangetown Housing Authority for a period of 5-years, commencing January 1, 2020 and expiring on December 31, 2024.

**16. REAPPOINT THOMAS WARREN / CHAIRMAN / PLANNING BOARD / 2020 / 1 YEAR TERM**

RESOLVED, that THOMAS WARREN is hereby reappointed Chairman to the Planning Board for a period of 1-year, commencing January 01, 2020 and expires December 31, 2020.

**17. REAPPOINT WILLIAM YOUNG / MEMBER / PLANNING BOARD / 2020 / 7 YEAR TERM**

RESOLVED, that WILLIAM YOUNG is hereby reappointed Member to the Planning Board for a period of 7-years, commencing January 01, 2020 and expires December 31, 2026.

**18. REAPPOINT BRUCE BOND / ALTERNATE MEMBER / PLANNING BOARD / 2020 / 1 YEAR TERM**

RESOLVED, that BRUCE BOND is hereby reappointed Alternate Member to the Planning Board for a period of 1-year, commencing January 01, 2020 and expires December 31, 2020.

**19. REAPPOINT DANIEL SULLIVAN / CHAIRMAN / ZONING BOARD OF APPEALS / 2020 / 1 YEAR TERM**

RESOLVED, that DANIEL SULLIVAN is hereby reappointed as Chairman to the Zoning Board of Appeals, for a period of 1-year, commencing January 01, 2020 and expires December 31, 2020.

**20. REAPPOINT MICHAEL BOSCO / MEMBER / ZONING BOARD OF APPEALS / 2020 / 5 YEAR TERM**

RESOLVED, that MICHAEL BOSCO is hereby reappointed Member to the Orangetown Zoning Board of Appeals for a period of 5-years, commencing January 01, 2020 and expires December 31, 2024.

**21. APPOINT ROBERT BONOMOLO, JR. / MEMBER / ZONING BOARD OF APPEALS / 2020 / 2 YEAR TERM/ TO FILL THE UNEXPIRED TERM OF JOAN SALOMON**

RESOLVED, that ROBERT BONOMOLO, JR. is hereby reappointed Member to the Orangetown Zoning Board of Appeals for a period of 2- years, commencing January 01, 2020 and expires December 31, 2021, to fill the expired term of Joan Salomon.

**22. APPOINT BILLY VALENTINE / ALTERNATE MEMBER / ZONING BOARD OF APPEALS / 2020 / 1 YEAR TERM**

RESOLVED, that BILLY VALENTINE is hereby appointed Alternate Member to the Zoning Board of Appeals for a period of 1-year, commencing January 01, 2020 and expires December 31, 2020.

**TOWN ATTORNEY**

**23. APPROVE PILOT AGREEMENT / PREMIER BRANDS OF AMERICA INC ./ 7 CORPORATE DRIVE ORANGEBURG NY**

RESOLVED, that upon the recommendation of the Town Attorney, the Supervisor is hereby authorized to execute a Payment in Lieu of Taxes Agreement (“PILOT”), between and among the Town of Orangetown, Premier Brands of America, Inc., the Pearl River School District, the County of Rockland and the County of Rockland Industrial Development Agency, relating to real property known as 7 Corporate Drive, Orangeburg, NY (Tax Map designation Section 73.20 Block 1 Lot 33), commencing with the 2020 tax assessment roll through and including the 2032 tax assessment roll as set forth more fully in the agreement.

**24. APPROVAL OF 2020 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 2020 Sewer Work is approved to:

- American Minutemen Sewer & Drain, Inc., 307 South Main Street, New City, NY 10956, Tel.:845-634-1050
- Angel Landscaping, Inc., 9 Old School Lane, Orangeburg, NY 10962, Tel.: 845-627-5296
- Environmental Construction, Inc., 21 Holt Drive, Stony Point, NY 10980, Tel.: 845-429-0497
- First Rate Landscaping & Construction, Inc., P.O. Box 1212, New City, NY 10956; Tel: 845-406-5264

- Harris Construction of Pearl River, 37 West Washington Avenue, Pearl River, NY 10965, Tel: 845-735-3609
- JD Backhoe Service, Inc., 3 Route 340, Orangeburg, NY 10962, Tel: 845-359-4984
- Paving Solutions, Inc., 548 Route 17M, Monroe, NY 10950, Tel.: 845-782-1775
- Victor P. Zugibe, Inc., 66 West Railroad Avenue, Garnerville, NY 10923, Tel.: 845-947-2255

## **HIGHWAY**

### **25. APPROVE NYSA CONFERENCE / JAMES M. DILLON / JANUARY 26-27, 2020**

RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby approves this past event for James M. Dillon, Assistant General Foreman, Highway Department, who attended the NYS Arborist Conference on the above dates at a cost of \$155.00, charged to Account Number D.5140.441.05

### **26. RESOLUTION TO APPROVE / HIGHWAY DEPT TO HOST 2020 AMERICAN PUBLIC WORKS ASSOCIATION ANNUAL EQUIPMENT SHOW**

RESOLVED, that the Highway Department is hereby authorized to host the 2020 American Public Works Association Annual Equipment Show on Wednesday, May 20, 2020, from 10:00 a.m. to 3:00 p.m. at the Highway Department Facility.

### **27. RESOLUTION TO APPROVE / 2020 HIGHWAY DEPARTMENT OPEN HOUSE**

RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby authorizes the Town of Orangetown Highway Department to host their 24th Annual Open House on Saturday, May 16, 2020, from 10 am to 12 pm, to be held at the Highway Department Facility, located at 119 Route 303, Orangeburg, NY.

## **POLICE**

### **28. ACCEPT RESIGNATION / RETIREMENT / LT. MICHAEL DAVIN**

RESOLVED, that upon the recommendation of the Chief of Police, accept with regret, the resignation/retirement of Lt. Michael Davin from the Orangetown Police Department effective 1/31/20.

### **29. ACCEPT RESIGNATION / RETIREMENT / P.O. MICHAEL RYAN**

RESOLVED, that upon the recommendation of the Chief of Police, accept with regret, the resignation/retirement of Police Officer Michael Ryan from the Orangetown Police Department effective 1/31/20

**30. AUTHORIZE SERVICE AGREEMENT WITH GOOSETOWN COMMUNICATIONS / JANUARY 01, 2020**

RESOLVED, that upon the recommendation of the Chief of Police, authorize a Service Agreement with Goosetown Communications, effective January 1, 2020 and expires on December 31, 2020 at a monthly cost of \$3,295.22, charged to Account B.3120.443.16

**31. AUTHORIZE MANAGED SERVICES COMMUNICATIONS EQUIPMENT AGREEMENT**

Upon the recommendation of the Chief of Police, enter into an agreement with Goosetown Communications for a NexLog 740 Eventide Recorder at a monthly cost of \$300.00 to be taken out of budget B.3120.443.16

**BUILDING**

**32. \*\*PLACE HOLDER\*\* NEW TOWN HALL/ DESIGN DEVELOPMENT PHASE (FIRST PHASE)**

**\*\*PLACE HOLDER\*\***

Language by Jane Slavin/Jeff Bencik

**FINANCE**

**33. A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.00 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY “PUBLIC IMPROVEMENT REFUNDING (SERIAL) BONDS (FORWARD DELIVERY)”, AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.**

WHEREAS, the Town of Orangetown, Rockland County, New York (hereinafter, the “Town”) heretofore issued \$9,995,000 Public Improvement (Serial) Bonds, 2010, pursuant to separate bond resolutions to pay the cost of various capital purposes in and for said Town as further described in the bond determinations certificate of the Supervisor dated \_\_\_\_\_, 2010 (hereinafter referred to as the “Refunded Bond Determinations Certificate”), such Public Improvement (Serial) Bonds, 2010, being dated September 29, 2010 with remaining maturities on June 15 in the years 2020 through 2026, both inclusive, as more fully described in the Refunded Bond Determinations Certificate (the “Refunded Bonds”); and

WHEREAS, it would be in the public interest to refund all or a portion of the outstanding principal balance of the Refunded Bonds maturing in 2021 and thereafter (the “Refunded Bonds”) by the issuance of refunding bonds pursuant to Section 90.00 of the Local Finance Law; and

WHEREAS, such refunding will only be undertaken if it results in present value savings in debt service as required by Section 90.00 of the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Orangetown, Rockland County, New York, as follows:

Section 1. For the object or purpose of refunding the \$4,305,000 outstanding principal balance of the Refunded Bonds maturing in 2021 and thereafter as more fully set forth in the Refunding Financial Plan (hereinafter defined), including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of such Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on such Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, and (iv) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$4,400,000 refunding serial bonds of the Town pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$3,925,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND (FORWARD DELIVERY)" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-20 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Supervisor pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph a of Section 57.00 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Supervisor shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Supervisor. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30) days prior to such date. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be

registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the Town shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to DTC, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Supervisor as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the Town maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or last day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Supervisor providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Supervisor as fiscal agent of the Town for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The Supervisor, as chief fiscal officer of the Town, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said Town, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the Town, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Supervisor is also hereby authorized to name the Town Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The Supervisor is hereby further delegated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Supervisor, and its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent.

Section 3. It is hereby determined that:

- (a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by Section 90.00 of the Local Finance Law;
- (b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each object or purpose for which such Refunded Bonds were issued is as specified in the Refunded Bond Determinations Certificate which is incorporated herein by reference;
- (c) the last installment of the Refunding Bonds will mature not later than the expiration of the respective period of probable usefulness of the objects or purposes for which said Refunded Bonds were issued in accordance with the provisions of Section 90.00 of the Local Finance Law;
- (d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to the Refunded Bonds is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in two series, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit A attached hereto and made a part of this resolution. This Town Board recognizes that the Refunding Bonds may be issued in one or more series, and for only portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the Town will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The Supervisor is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the Supervisor; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Supervisor shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding



Financial Plan with the Town Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The Supervisor is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said Supervisor shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said Town of Orangetown, Rockland County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall be annually levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the Town to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds which are federally tax-exempt shall be outstanding, the Town shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In the event such bonds are refunded, the Town hereby elects to call in and redeem each Refunded Bond which the Supervisor shall determine to be refunded at the earliest call date available. The sum to be paid therefor on such redemption date shall be the par value thereof, plus redemption premium, if any, as provided in the Refunded Bond Certificate, and the accrued interest to such redemption date. The Escrow Holder for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Holder to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in

order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at public or private sale to the purchaser thereof (the "Underwriter") for purchase prices to be determined by the Supervisor, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds.

Section 11. The Supervisor and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Supervisor and all powers in connection thereof are hereby delegated to the Supervisor.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspaper of said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Dated: January \_\_\_\_, 2020.

## **TOWN CLERK**

### **34. 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. Agreements w/Blauvelt, Orangeburg & Tappan Libraries
2. Agreement w/Thomas Iacobellis, Caretaker of Nike Park, dated 12/23/19
3. Grant Agreement: NYS Water Infrastructure Improvement Act (WIIA) \$193,750.00  
WIIA Project No.: C3-345-10-00

4. Town Board Minutes: 12/17/2019, 1/7/2020 & 1/14/2020 Regular Town Board Meeting and 1/7/2020 & 1/22/2020 Special Town Board Meeting.
5. Agreement w/Tate Grossman Kelly & Iaccarino for Opioid Litigation

**AUDIT**

**35. PAY VOUCHERS**

RESOLVED, upon the recommendation of the Finance Director, Jeff Bencik, the Finance Office is hereby authorized to pay vouchers for a total amount of four (4) warrants for a total of \$1,831,591.58.

**ADJOURNMENTS**

**36. (If Applicable) ENTER EXECUTIVE SESSION**

RESOLVED, at \_\_\_\_\_ pm, the Town Board entered Executive Session to discuss \_\_\_\_\_.

**RESOLUTION TO RE-ENTER RTBM / ADJOURNED / MEMORY**

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

Margaret (Peg) Beukema, Resident of Nyack

Dr. Thomas Kilgannon III, Resident of Valley Cottage, Renowned Dentist in Rockland County for over 40 years