



**TOWN OF ORANGETOWN REGULAR TOWN MEETING  
Tuesday April 21, 2020**

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

Supervisor Teresa M. Kenny	_____
Councilperson Thomas Diviny	_____
Councilperson Paul Valentine	_____
Councilperson Jerry Bottari	_____
Councilperson Denis Troy	_____

**Pledge of Allegiance to the Flag**

**ANNOUNCEMENTS:**

- **The 2020 Census is happening now. Help shape your future and Orangetown's future by responding to the 2020 Census. Please complete your census form online, by phone, or by mail when your invitation to respond arrives. Visit [my2020census.gov](http://my2020census.gov) to begin.**
- **Town Board Meetings Scheduled for May 5, 2020 and May 19, 2020 will begin at 5:30 pm instead of 7:30 pm.**
- **Holocaust Remembrance Day - April 21st / Commemorating the 6 million Jewish people and millions of others who were killed in the Holocaust.**
- **Recognizing Earth Day - April 22nd**
  - ✓ **Reduce, Reuse and Recycle to conserve natural resources and landfill space**
  - ✓ **Volunteer for cleanups in your community and get involved in protecting our watersheds**
  - ✓ **Educate when you further your own education, you can help others understand the importance and value of our natural resources**
  - ✓ **Conserve water - the less water you use, the less runoff and wastewater that eventually ends up in the ocean**
  - ✓ **Shop wisely - buy less plastic**

- ✓ **Use long-lasting light bulbs - energy efficient light bulbs reduce greenhouse gas emissions. Also flip the light switch off when you leave the room**
- ✓ **Plant a Tree - trees provide food and oxygen, they help save energy, clean the air, and combat climate change**
- ✓ **Don't send chemicals into our waterways - choose non-toxic chemicals in the home and office**
- ✓ **Bike more, Drive Less**
- **National Poetry Month**
  - ❖ **Proclamation forwarded to:  
Rose Marie Raccioppi, *Town of Orangetown's Poet Laureate***
- **2020 Military Tribute Banner Program - \$150.00 Sponsorship Fee, \$50.00 Annual Renewal Fee. Banners will be displayed between Memorial Day and Veteran's Day. Display areas include: Tappan, Orangeburg Road, & Downtown Pearl River. Specific location requests are based on availability. To sponsor your banner, visit: [militarytributebanners.org](http://militarytributebanners.org) and click on Current Programs/Orangetown, NY. Please email: [supervisor@orangetown.com](mailto:supervisor@orangetown.com) for more details.**
- **Paper Shredding Event for May 2, 2020 is cancelled. The next Paper Shredding Event for Orangetown is October 19, 2020**

**DISCUSSION: WORKSHOP OF AGENDA ITEMS**

**PUBLIC COMMENT:**

- Public Comment will be accepted at this meeting via teleconference. Please follow the instructions of the Supervisor so that the comments are received in an orderly fashion. To participate in the teleconference, follow these instructions:

**Please join my meeting from your computer, tablet or smartphone.**

<https://global.gotomeeting.com/join/968285389>

**You can also dial in using your phone.**

United States (Toll Free): [1 877 568 4106](tel:18775684106)

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**Access Code: 968-285-389**

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- **The Board will accept questions and comments before the meeting via e-mail at: [supervisor@orangetown.com](mailto:supervisor@orangetown.com) or by phone at (845) 359-5100 Ext. 2293.**

1. **CLOSE PUBLIC COMMENT PORTION**

**RESOLVED**, the Public Comment portion is hereby closed.

**AGENDA ITEMS:**

**TOWN BOARD**

2. **AUTHORIZE JOULE ASSETS, INC. TO ISSUE A SUPPLY RFP / APPROVE ELECTRICITY SUPPLY AGREEMENT**

**WHEREAS**, effective April 21, 2016, the New York State Public Service Commission (“Commission”) issued an “Order Authorizing Framework for Community Choice Aggregation Opt-Out Program” in Case #14-M-0224 “authorizing the establishment of Community Choice Aggregation programs by municipalities statewide;” and

**WHEREAS**, effective March 16, 2018, the Commission issued an “Order Approving Joule Assets’ Community Choice Aggregation Program with Modifications” in Case #14-M-0224 that authorized Joule Assets, Inc. (“Joule” or “Program Administrator”) to serve as a Community Choice Aggregation Program Administrator on behalf of cities, towns, and villages in New York State; and

**WHEREAS**, on 10/1/2019, the Town of Orangetown adopted local law 5 of 2019 Local Law To Establish a Community Choice Aggregation Program in the Town of Orangetown, enabling a Community Choice Aggregation Program in the Municipality (the “Program”); and

**WHEREAS**, on 10/1/2019, the Town by Resolution No. 529-2019, resolved to engaged the services of Joule to, among other things, act as Program Administrator on behalf of the Municipality for the Program, and thereafter entered into a municipal energy services agreement with Joule for performance of such services; and

**WHEREAS**, the Town seeks to obtain competitive bids from electricity suppliers (each a “Supplier”) pursuant to a request for proposal that shall include provision of a 100% renewable supply option (the “Supply RFP”) that is intended to result in a three-party Electricity Supply Agreement between the selected Supplier, the Municipality and the Program Administrator that, among other things, will govern the terms of provision of the electricity supply by Supplier for the Program; and

**WHEREAS**, Program Administrator has prequalified prospective bidders based on creditworthiness and competence; has executed the public outreach campaign in the Municipality as required by the New York State Department of Public Service, and has obtained or will be obtaining utility data from the local distribution utility, all of which is necessary to solicit bids through the Supply RFP;

**WHEREAS**, the “Electricity Supply Agreement” (in the form attached hereto), has been reviewed and approved by the Town Attorney, and has been deemed to provide benefits, adequate protections, and minimize risk to the Town of Orangetown, as well as to residential and small commercial utility customers therein;

**THEREFORE, BE IT RESOLVED**, the Town Board hereby authorizes Program Manager to issue a Supply RFP consistent with the provisions of this Resolution, with bids to be evaluated based upon compliance with the specifications of the Supply RFP including, without limitation, price and tenor parameters, and Supplier's acceptance of all material terms of the Electricity Supply Agreement; and

**BE IT FURTHER RESOLVED**, the Town Board approves the Electricity Supply Agreement in the form attached to this Resolution, such form to be included in the Supply RFP; and

**BE IT FURTHER RESOLVED**, Joule in its role as Program Administrator for the Program shall, among other things, manage the energy procurement process, prepare and issue the Supply RFP, and make recommendations for award to the Town; provided however, the Town Board reserves the right to make the final award decision; and

**BE IT FURTHER RESOLVED**, subject to the conditions that the awarded Supplier has been prequalified as required by Program Administrator and that the awarded bid meets the specifications established in the Supply RFP, the Supervisor shall execute an Electricity Supply Agreement on behalf of the Town with changes deemed necessary in the Supervisor's reasonable discretion with the awarded Supplier and Program Administrator in a timely fashion; provided, however, the Town of Orangetown is under no obligation to award the Supply RFP should these conditions not be met.

3. **AUTHORIZE TOWN BOARD MEETINGS SCHEDULED FOR MAY 5, 2020 AND MAY 19, 2020 TO BE ATTENDED BY BOARD MEMBERS VIA VIDEOCONFERENCE AND TELECONFERENCE / AUTHORIZE TOWN BOARD MEETINGS TO BEGIN AT 5:30 PM**

**WHEREAS**, on March 7, 2020, the Governor of the State of New York issued Executive Order No. 202 and declared a State disaster emergency for the entire State of New York with respect to the COVID-19 virus, and

**WHEREAS**, on March 17, 2020, the Town Supervisor of the Town of Orangetown declared a Local State of Emergency in the Town of Orangetown pursuant to New York Executive Law §24 with respect to the COVID-19 virus and its impact on the health and well-being of residents of the Town, which declaration was extended as of April 16, 2020 and

**WHEREAS**, Executive Order No. 202.1 issued by the Governor on March 12, 2020 temporarily suspended New York Public Officers Law Article 7, known as the Open Meetings Law, to permit any public body to meet and take actions authorized by law without permitting in public in-person access and authorizing such meetings to be held remotely by conference call or similar service, provided the public has the ability to view or listen to such proceedings and that such meetings are recorded and later transcribed, and

**WHEREAS**, the Town Board recognizes the need to conduct Town business in a manner that is open to the public via means that provides for limited in person attendance by the Board and excludes in person attendance by the public for the health and safety of the general public, and to help limit contacts and the spread of the COVID-19 virus in the Town of Orangetown,

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby authorizes Town Board meetings scheduled for May 5, 2020 and May 19, 2020 to be attended by Board members via videoconference and teleconference by a service provided through GoToMeeting, and which meetings shall not permit in person attendance by the public but shall be accessible to the public in real time via local cable television, livestreaming as accessible through the Town's website at Orangetown.com, and by videoconference and teleconference, and

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes the Town Board Meetings scheduled for May 5, 2020 and May 19, 2020 to begin at 5:30 pm instead of 7:30 pm and

**BE IT FURTHER RESOLVED** that during the State of Emergency, the Supervisor is authorized to postpone Town Board meetings and call for Special Town Board meetings as necessary upon notice to the public and access by the public as provided for above.

## **TOWN ATTORNEY**

### **4. ACCEPT / RECEIVE / FILE / IN TOWN CLERK'S OFFICE / PERFORMANCE BOND / ST THOMAS AQUINAS COLLEGE DORMITORY**

**WHEREAS**, St. Thomas Aquinas College, as developer of certain property located at 125 Route 340, Sparkill, New York (Tax Lot Section 74.12 Block 1 Lot 29), has applied for and received site plan approval from the Town of Orangetown Planning for said property pursuant to Planning Board decision #19-54 for the project known as the "St. Thomas Aquinas College Dormitory Site Plan," and

**WHEREAS**, pursuant to the aforesaid approval, the Planning Board required that the applicant post a Performance Bond in the amount of \$384,905.00 to ensure the construction and completion of certain public improvements pursuant to the aforesaid approvals, and

**WHEREAS**, the applicant has submitted a fully executed Performance Bond dated February 27, 2020, issued by the Service Insurance Company, Inc., as Surety, on behalf of St. Thomas Aquinas College, as principal, in the amount of \$384,905.00 naming the Town of Orangetown as beneficiary, to insure the completion of public improvements associated with the "St. Thomas Aquinas College Dormitory Site Plan," which Performance Bond has been approved as to form and substance by the Town Attorney's Office,

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the Town hereby formally accepts, receives and files with the Office of the Town Clerk a Performance Bond dated February 27, 2020 issued by the Service Insurance Company, Inc., as Surety, on behalf of St. Thomas Aquinas College, as principal, in the amount of \$384,905.00, naming the Town of Orangetown as beneficiary, to insure the completion of public improvements associated with the "St. Thomas Aquinas College Dormitory Site Plan" no later than September 25, 2021, and said bond to be returned only upon satisfactory completion of said public improvements according to the terms of said Bond and Planning Board decision 19-54, any Town departments having jurisdiction thereof, and formal resolution of the Town Board."

## HIGHWAY

5. **ACCEPT PROPOSAL / MASER CONSULTING / PROFESSIONAL SERVICES/ CONSTRUCTION INSPECTION/ REPLACEMENT OF CULVERT OVER SPARKILL CREEK 400 ROUTE 303**

**RESOLVED**, that upon the recommendation of the Superintendent of Highways the proposal in the amount of \$91,920 for Construction Inspection Services for the Replacement of Culvert over Sparkill Creek (400 Route 303) is awarded to Maser Consulting.

6. **AWARD BID / THREE (3) NEW MEDIUM DUTY DUMP TRUCKS/ SCHULTZ FORD**

**RESOLVED**, that this bid for Three (3) New Medium Duty Dump Trucks is hereby awarded to Schultz Ford, Nanuet, New York in the amount of \$243,000.

## TOWN CLERK

7. **ACCEPT / RECEIVE / FILE DOCUMENTS/TOWN CLERK'S OFFICE**

**RESOLVED** that the following documents are accepted, received and filed in the Town Clerk's Office:

- Town Board Meeting minutes:
  - March 10th & April 7, 2020, Police Commission / Regular Town Board Meeting
  - March 12 & 17, 2020 Special Town Board Meeting
- Agreements:
  - Mimecast (Email Security Services)
  - 2020 Caretaker for Borst Park
  - 2020 Palisades Library

## AUDIT

8. **PAY VOUCHERS**

**RESOLVED**, upon the recommendation of the Director of Finance Director, the Finance Office is hereby authorized to pay vouchers for a total amount of four (4) warrants for a total of \$ 1,082,542.01.

## EXECUTIVE SESSION

### 9. ENTER EXECUTIVE SESSION

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

## ADJOURNMENTS

### 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:

- ❖ Edward Acerbo, *Pearl River/Sparkill*
- ❖ David Attebury, *Pearl River*
- ❖ Ellen Louise Attebury, *Pearl River*
- ❖ Nora Carroll, *NJ*
- ❖ Demetrios Dermos, *Orangeburg*
- ❖ Kathleen Edwards, *Pearl River, Mother of former Town Attorney John Edwards*
- ❖ Robert Higgins, *Pearl River*
- ❖ William Higgins, *Pearl River*
- ❖ Katharine Jones, *Tappan*
- ❖ Bridget Christina Kelly, *Blauvelt*
- ❖ Brian Knecht, *Nyack Fire Chief (10-1)*
- ❖ Richard Lenihan, *Pearl River*
- ❖ Marion Maher, *Blauvelt*
- ❖ Maria Miscioscia, *Port Washington, NY, Aunt of Town Clerk Rosanna Sfraga*
- ❖ Kathleen O'Hara, *Blauvelt, former Town Justice Court employee*
- ❖ Harold Schutter, *Pomona, Husband of Town Employee Natalie Schutter*
- ❖ Mildred C. Serafin, *Pearl River, Mother-in -Law of Town Employee Karen Serafin*
- ❖ Donald J. Sorel, *Pomona, Organist at St. Margaret of Antioch*
- ❖ Eileen Turilli, *Pearl River*