



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 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 and use reusable shopping bags**
 - ✓ **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 and click on Current Programs/Orangetown, NY. Please email: 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

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

1. OPEN PUBLIC COMMENT PORTION

RESOLVED, the Public Comment portion is hereby opened.

- 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.
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2. **CLOSE PUBLIC COMMENT PORTION**

RESOLVED, the Public Comment portion is hereby closed.

AGENDA ITEMS:

TOWN BOARD

3. **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.

4. **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.

5. **RESOLUTION REGARDING RE-OPENING OF TOWN GOLF COURSES AND PARKS**

WHEREAS, on April 7, 2020, in response to the COVID-19 crisis, the Town Board approved the closure of certain Town parks and Town golf courses pursuant Town Board resolution 2020-198, and

WHEREAS, this action was taken at a time when the number of positive cases of COVID-19 and deaths as a result thereof were increasing daily, and

WHEREAS, the Governor has reported that the number of positive cases of COVID-19 and deaths resulting there from have been decreasing daily, and

WHEREAS, the Governor of the State of New York, and Empire State Development, have clarified that private and public golf courses may remain open provided certain precautionary measures are in place and that social distancing is adhered to, and

WHEREAS, the Town is desirous of re-opening its parks so as to provide for passive recreation, provided appropriate social distancing and precautions are taken by park goers,

NOW THEREFORE BE IT RESOLVED, that Town Board Resolution 2020-198 is hereby amended to the extent that the Town Golf Courses shall be re-opened as of _____, 2020 subject to appropriate safety measures and social distancing guidelines as provided for pursuant to Executive Orders as issued by the Governor, Empire State Development guidelines and restrictions as determined by the Town Board.

BE IT FURTHER RESOLVED, that the following Town Parks shall be re-opened to the public for passive recreation such as walking, jogging, bike riding, provided appropriate social distancing is adhered to, including no gatherings of any kind in accordance with Governor's Executive Order 202.10 and Rockland County

Commissioner of Health Order No. 2020-0010S, as well as the requirement of wearing face masks where appropriate as set forth in Executive Orders 202.17 and 2020.18 and as same may be modified or extended. All playgrounds and athletic fields at these locations shall remain closed.

- Lions Park
- Schuyler Park
- Steven Rowe Bradley Park
- Tackamack South
- Tackamack North
- Nike Park
- Veterans Memorial Park
- Betsy Ross
- Return Home Park
- Elliott
- Walkway of Heroes/Shanks Memorial
- Lester Traffic Triangle
- Independence
- Schaefer Park
- Liberty Pole Park
- Bourst Gardens
- Pascack Brook Park
- Braunsdorf
- Cherry Brook
- Pilgrim Court
- Sparkill Creek Park
- Stoughton Park
- Tappan Memorial Park

6. **RESOLUTION AUTHORIZING INTERMUNICIPAL AGREEMENT WITH ROCKLAND COUNTY FOR REIMBURSEMENT OF THE COSTS OF PERSONNEL**

WHEREAS, the District Attorney of Rockland County and the Town Police Department wish to enter into an intermunicipal agreement for the purpose of reimbursement to the Town in connection with a detective working as the Assistant Director of the Rockland County Drug Task Force in an amount not to exceed \$13,625.00 for the period of January 1, 2020 through December 31, 2021, and

WHEREAS, the County of Rockland, pursuant to its Resolution No. 162 of 2020 has agreed to recommend to the County Executive to approve the aforesaid Intermunicipal Agreement and to reimburse the Town of Orangetown in the amount of \$13,625.00 for the above referenced assignment, and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipal governments to perform together that which each government is authorized to perform individually and requires that any intermunicipal agreement be approved by each participating municipal corporation by a majority vote of its governing body, and

WHEREAS, the Town Board finds and determines that such agreement and reimbursement for providing a detective to work as the Assistant Director of the Rockland County Drug Task Force is in the best interests of the good and welfare of the Town in the operations of its governmental functions,

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby approves entering into the Intermunicipal Agreement between the Town of Orangetown and County of Rockland as set forth in the County's Resolution No. 162 of 2020 with respect to the reimbursement of a sum not to exceed \$13,625.00 for a detective to be assigned as the Assistant Director of the Rockland County Drug Task Force, and authorizes the Supervisor to execute the aforesaid Intermunicipal Agreement and any and all documents necessary to effectuate same. Subject to review and approval by Town Attorney's Office.

TOWN ATTORNEY

7. 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."

8. **AUTHORIZE SUPERVISOR TO SETTLE CLAIM / ACCEPT \$5,361.89 PAYMENT FROM INTERCOUNTY PAVING ASSOCIATES**

WHEREAS, on or about December 16, 2018, the Town was notified by a resident of Upper Nyack of a sewer backup located at 221 Old Mountain Road, Upper Nyack, New York, and

WHEREAS, after investigation by DEME, it was determined that contractor Intercountry Paving Associates, LLC, hired by the Village of Upper Nyack, caused damage to a sanitary sewer pipe located in that area and which services the property of 221 Old Mountain Road, Upper Nyack, New York, and which damage caused and/or contributed to a sewer back up at the subject location, and

WHEREAS, the Town has received and been served with a Notice of Claim from the subject property owners Alan M. Weinstock and Candice A. Manson in the amount of \$20,265.00 as damages, and

WHEREAS, the Town has received and been served with a Notice of Claim from National Subrogation Services, LLP as agent for Homesite Insurance in the amount of \$10,000.00 for subrogation rights due to a paid claim to the subject property owners, and

WHEREAS, the Town has incurred costs associated with work related to the damage to the Town sanitary sewer pipe in the amount of \$5,361.89, and

WHEREAS, the amount of damages and claims as against the Town and costs incurred by the Town as a result of the damage has been determined by DEME to be \$35,626.89 consisting of damage to subject property owners for which they have made claim against the Town, for subrogation rights for which there has been a claim made against the Town, and direct damages suffered by the Town for work performed as a result of the work performed by Intercountry Paving Associates, LLC on behalf of the Village of Upper Nyack, and

WHEREAS, Intercountry Paving Associates, LLC, by and through its agent, Allied World Assurance Company, has agreed to pay to Alan M. Weinstock and Candice A. Manson, National Subrogation Services, LLP as agent for Homesite Insurance and the Town, the full cost for damages incurred and for which the each would otherwise be liable,

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized pursuant to Town Law §65 to accept from Intercountry Paving Associates, LLC, by and through its agent, Allied World Assurance Company, the sum of \$5,361.89 in full and final settlement of the damages caused by their work at the subject site, and

BE IT FURTHER RESOLVED, that Intercountry Paving Associates, LLC, by and through its agent, Allied World Assurance Company, Alan M. Weinstock and Candice A. Manson, and National Subrogation Services, LLP have agreed to release the Town from any and all claims due to damage caused and/or contributed to the sewer back up at the subject location, and

BE IT FURTHER RESOLVED, that the Supervisor or her designee is authorized to execute any and all legal documents in order to effectuate the enforcement of this resolution.

HIGHWAY

9. 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. Purchase will be charged to Account # H.5130.200.08.

TOWN CLERK

10. 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 10 & 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

11. 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 and authorize Town Supervisor to sign audit sheet on behalf of the Town Board.

EXECUTIVE SESSION

12. ENTER EXECUTIVE SESSION

RESOLVED, at ____ pm, the Town Board entered Executive Session to discuss personnel matters and the proposed acquisition/sale/lease of real property when publicity might affect value.

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*