



TOWN OF ORANGETOWN REGULAR TOWN MEETING

Tuesday June 02, 2020

This Town Board Meeting was opened at 5:30 PM.

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

POLICE COMMISSION - cancelled

Pledge of Allegiance to the Flag led by Esta Baitler

ANNOUNCEMENTS:

- **Discussion on the merger of responsibilities for Architecture and Community Appearance Board of Review (ACABOR) and Historic Areas Board of Review (HABR) - POSTPONED UNTIL FURTHER NOTICE**

DISCUSSION: WORKSHOP OF AGENDA ITEMS

PUBLIC COMMENT: The Town Board will accept questions and comments before the meeting via email 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:

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2. CLOSE PUBLIC COMMENT PORTION

RESOLVED, the Public Comment portion is hereby closed.

AGENDA ITEMS:

TOWN BOARD

- 3. OPEN PUBLIC HEARING / RTBM OF JUNE 2, 2020 AT 5:45 P.M. / PROPOSED LOCAL LAW, AMENDING CHAPTER 6 OF THE TOWN CODE RE "BUILDING CONSTRUCTION ADMINISTRATION", 6-5 "DUTIES AND POWERS OF BUILDING INSPECTOR" AND AMENDING CHAPTER 31B "SIDEWALK CAFES AND VENDING"**

RESOLVED, that the public hearing is hereby opened.

PRESENTATION: Notice of Posting and Affidavit of Publication

SUMMARY OF COMMENTS:

- 4. CLOSE PUBLIC HEARING / RTBM OF JUNE 2, 2020 RE PROPOSED LOCAL LAW, AMENDING CHAPTER 6 OF THE TOWN CODE REGARDING "BUILDING CONSTRUCTION ADMINISTRATION", 6-5 "DUTIES AND POWERS OF BUILDING INSPECTOR" AND AMENDING CHAPTER 31B "SIDEWALK CAFES AND VENDING"**

RESOLVED, that the public hearing is hereby closed.

5. **ADOPT LOCAL LAW NO. _____ AMENDING CHAPTER 6, BUILDING CONSTRUCTION, ADMINISTRATION, OF THE TOWN CODE/AUTHORIZING DIRECTOR OF OBZPAE TO MODIFY REQUIREMENTS UPON TOWN BOARD APPROVAL DURING AND IN RESPONSE TO EMERGENCY**

PROPOSED LOCAL LAW NO. ____ OF 2020, AMENDING CHAPTER 6, BUILDING CONSTRUCTION ADMINISTRATION, OF THE CODE OF THE TOWN OF ORANGETOWN

Language to be deleted from the existing Code provisions are indicated by a strikethrough; and new language to be added is typed in bold and underscored.

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

Section 1 – Legislative Findings, Objectives and Purpose of this Local Law No. ____ of 2020: The Town Board of the Town of Orangetown (“Town Board”) hereby finds that, as a result of the State disaster emergency for the entire State of New York declared by the Governor, the Local State of Emergency for the County of Rockland declared by the County Executive of Rockland County, and the Local State of Emergency for the Town of Orangetown declared by the Supervisor, with respect to the COVID-19 (a/k/a coronavirus) pandemic, which States of Emergency were declared in order to protect the health and safety of the public, and to help abate the spread of the COVID -19 virus, including Executive Orders issued to deter, dissuade, prevent or prohibit persons coming into close contact with one another, there has been a devastating detrimental impact to the viability of businesses in Orangetown, which businesses have been severely damaged, economically, and are also at grave risk of permanent closure, which has, and may have, substantial adverse impacts to Orangetown’s business districts, not only potentially causing blight and loss of employment or income to Orangetown residents, but also causing harmful ripple effects associated with economic depression throughout the entire Town. Therefore, the Town Board further finds that, to minimize these said adverse effects, detrimental impacts and harms to the Orangetown community, the Town must have the flexibility to modify, waive or adjust its various land use regulations, rules, procedures and provisions so as to better enable the Town’s businesses to attempt to remain viable and sustain economic recovery during a State of Emergency.

Section 2 – Section 6-5 of Chapter 6, Building Construction Administration, of the Code of the Town of Orangetown (“Orangetown Code”), shall be amended and, as amended, shall read as follows:

6-5. Duties and powers of Building Inspector/ Director of OBZPAE.

- A. Except as otherwise specifically provided by law, ordinance or regulation, or except as herein otherwise provided, the Building Inspector shall administer and enforce all of the construction, alteration, repair, removal and demolition of buildings and structures, and in the installation and use of materials and equipment therein, and the location, use, occupancy and maintenance thereof.
- B. The Building Inspector shall receive applications and issue permits for the erection, alteration, removal and demolition of buildings or structures or parts thereof, and shall examine the premises for which such applications have been received or such permits have been issued for the purpose of insuring compliance with laws, ordinances and regulations governing building construction.

- C. The Building Inspector shall issue all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to insure compliance during the entire course of construction with the requirements of such laws, ordinances or regulations. The Building Inspector shall make all inspections which are necessary or proper for the carrying out of his duties, except that he may accept written reports of inspection from building inspectors, or other employees, of the Town of Orangetown's (hereinafter referred to as "Orangetown") Office of Building, Zoning and Planning Administration and Enforcement (hereinafter referred to as "OBZPAE"), or from reputable service and inspection bureaus, provided the same are prepared and signed by a qualified professional.
- D. Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable statutes, codes, laws, ordinances or regulations relating to building construction, the Building Inspector may require the performance of tests in the field, or on site of private property subject of a Building Permit application, by qualified professional(s), or by reputable testing laboratories, bureaus or agencies.
- E. Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable statutes, codes, laws, ordinances or regulations relating to the use, maintenance or occupancy of land or buildings, including, but not limited to, assuring compliance with the performance standards set forth in § 4.1 of Chapter 43 (Zoning Code) of the Orangetown Code, and/or to assure compliance with the conditions of any applicable Orangetown land use board approval decisions, the Building Inspector may inspect, investigate and/or conduct tests, on site of private property that is the subject of an open Building Permit application or a nonresidential use that is subject to the performance standards (hereinafter referred to as "industrial user"), which may include, with regard to the performance standards, inspecting, investigating and/or conducting tests while all mechanical equipment, machinery, installations and systems, that are appurtenant to the use that is subject to the performance standards, are in full operation. For purposes of said inspections, investigations and/or tests, the Building Inspector may engage, employ or retain the services of the Orangetown Department of Environmental Management and Engineering (hereinafter referred to as "DEME"), and/or expert consultants, to the extent, type and/or degree that the Building Inspector, DEME, and/or the expert consultants, deem necessary. The said inspections, investigations and/or testing, on site of private property, shall only be conducted with the consent of the property owner, or a person in dominion, control or possession of, or with management or supervisorial authority over, the property; or at any reasonable hour if the Building Inspector has a reasonable suspicion, based on specific and articulable facts, taken together with rational inferences from those facts, associated with the particular property, that a violation of, or noncompliance with, the performance standards set forth in Zoning Code § 4.1, is being committed or is occurring, or has been committed or has occurred; or by execution of a judicially issued search warrant.
- (1) If, as a result of the Building Inspector's said inspection, investigation and/or testing, relating to an alleged violation of, or noncompliance with, the performance standards (Zoning Code § 4.1) on the part of any industrial user, the Building Inspector has reasonable grounds to believe that a violation, or noncompliance, exists, subject to the provisions of Orangetown Zoning Code § 4.182 (as may be applicable), the Building Inspector shall notify the Zoning Board of Appeals of the occurrence or existence of such possible violation, or noncompliance, in accordance with Zoning Code § 10.335.

(2) If, after public hearing on due notice, in accordance with Zoning Code § 4.13, the Zoning Board of Appeals finds that a violation, or noncompliance, occurred or exists, and revokes and rescinds its performance standards (Zoning Code § 4.1) approval decision, then the Building Inspector may revoke and rescind any Building Permit and/or Certificate of Occupancy that had been issued based upon such approval decision.

F. In addition to the powers and authority granted to the Building Inspector that are set forth above in this §6-5, the Director of the Orangetown Office of Building, Zoning and Planning Administration and Enforcement (OBZPAE; see Chapter 6A of the Orangetown Code), or the Director's designee, shall have the additional emergency power and authority to modify, waive or adjust the regulations, rules, procedures and provisions of Orangetown Code Chapter 43 (Zoning) related to non-residential establishments/uses and Chapter 31B (Sidewalks Cafes and Vending) during times that a State, County or Local State of Emergency, that includes the Town of Orangetown, is in effect; or as part of the economic recovery from any such State of Emergency. The OBZPAE Director's, or her/his designee's, emergency power and authority, prescribed herein, may only be exercised with, and are subject to, the approval of the Town Board; and the Town Board may impose conditions, limitations, permitting processes or guidelines with respect to said power and authority, pursuant to the Town Board resolution authorizing the exercise of this emergency power and authority. The failure by any person, business entity, association, organization or company to abide by, comply with or adhere to any such Town Board resolution conditions, limitations or guidelines shall be a violation of this Section subject to penalty in accordance with Chapter 41A of the Orangetown Code.

Section 3 – This Local Law shall become effective immediately upon filing with the New York State Secretary of State.

6. **** PLACE HOLDER** AUTHORIZATION FOR OUTDOOR DINING / SIDEWALK CAFES / ECONOMIC RECOVERY / COVID-19**

To be provided.

7. **FURLOUGH TOWN CURATOR / EMPLOYEE #4243 / EFFECTIVE JUNE 8, 2020**

WHEREAS, as a result of the COVID-19 crisis and the financial impact that same has and will continue to have on the Town government, its finances and operation, and

WHEREAS, certain operations of the Town have been limited as a result State directives and Executive Orders,

NOW THEREFORE, BE IT RESOLVED that Town Curator employee #4243, is hereby furloughed with regret from employment with the Town, effective June 8, 2020.

8. **APPROVE / 2020 HIGH SCHOOL PROJECT GRADUATION FUNDING**

RESOLVED, that upon the recommendation of the Director of Finance, PROJECT GRADUATION funding for 2020 is hereby approved as follows and charged to Account A4211.457:

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

9. **AWARD CONTRACT / SPRAGUE ENERGY / NATURAL GAS FOR THE TOWN**

RESOLVED, that upon the recommendation of the Director of Finance, the Town Board hereby authorizes the Town Supervisor, or her designated representative, to execute an Agreement with SPRAGUE ENERGY to supply the Town's gas requirements for a period of 24 months, the said supplier having proposed the lowest fixed rate for the term of the Agreement.

10. **HEALTH INSURANCE PREMIUMS / EXCLUSION LIST / SCHEDULE A CONTRIBUTIONS**

WHEREAS, on or about December 11, 2006, the Town Board approved Resolution No. 835 that required certain employees on the Schedule "A" - Exclusion List to contribute to the cost of their health insurance premiums through 2009; and

WHEREAS, some of the titles have since changed, the resolution addressed a specific time period through 2009 and the current contribution amounts are not consistent among the employees;

NOW, THEREFORE BE IT RESOLVED that, unless otherwise covered by a separate written agreement with the Town or if the employee is already a retiree in the NYS Retirement System, effective immediately the following employees and anyone occupying such positions hereafter, are required to contribute 15% of the cost of health insurance premiums:

- All Elected Officials
- Assessor
- Confidential Assistant to Town Supervisor
- Deputy Commissioner of Department of Environmental Management & Engineering
- Deputy Town Attorneys
- Deputy Town Clerk
- Director of Automated Services
- Director of Department of Environmental Management and Engineering
- Director of Office of Building, Zoning & Planning Administration & Enforcement
- Finance Director
- Human Resource Coordinator
- Director of Economic Development and Tourism
- Superintendent of Parks, Recreation and Buildings
- Town Attorney
- Town Curator

FURTHER, the Board finds that the current compensation paid to these employee as a Medical Insurance Buy-Out exceeds today's standards and is hereby reduced to \$2,500.00 for those eligible for an individual plan and \$5,000 for those eligible for a family plan, effective June 8, 2020.

TOWN ATTORNEY

11. APPROVE RENEWAL OF SCHOOL RESOURCE OFFICER AGREEMENT WITH SOUTH ORANGETOWN CENTRAL SCHOOL DISTRICT

WHEREAS, pursuant to Town Board Resolution 2018-440 and Section 119-0 of the General Municipal Law, the Town of Orangetown entered into an agreement with the South Orangetown Central School District (SOCSD) whereby the Town Police Department would assign a School Resource Officer (SRO) to the SOCSD for the 2018-19 school year, and

WHEREAS, the term of the agreement, the parties may renew the agreement on an annual basis, pursuant to the terms of reimbursement as set forth therein, and

WHEREAS, pursuant to resolution 2019-324, the Town agreed to renew the SRO Agreement with the SOCSD for the 2019/2020 school year, and

WHEREAS, the Town has received a letter from the SOCSD indicating that they wish to renew the agreement in accordance with the renewal terms thereof for the 2020/2021 School year,

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby agrees to renew the SRO Agreement with the SOCSD, originally authorized pursuant to Town Board authorizes the Town to enter into an agreement with the SOCSD, for the 2020- 2021 school year, under the terms and conditions as set forth in the agreement, and the SOCSD shall reimburse the Town in accordance with the terms of the agreement, and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor or her designee to execute any documents necessary to effectuate the terms of this resolution, and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Chief of Police or his designee to execute any documents necessary to effectuate the terms of this resolution on behalf of the Police Department and to administer same on behalf of the Town and the Town Police Department.

HIGHWAY

12. AWARD BID / ONE (1) NEW LIGHT DUTY TRUCK / SCHULTZ FORD

RESOLVED, that this bid for One (1) New Light Duty Dump Trucks is hereby awarded to Schultz Ford, Nanuet, New York in the amount of \$79,000. Purchase will be charged to Account # H.5130.200.08.

13. **REJECT BIDS / NORTH MIDDLETOWN ROAD PEDESTRIAN LINK PROJECT**

RESOLVED, that upon the recommendation of the Superintendent of Highways, the Town of Orangetown rejects the bid from A-Tech Concrete, Edison, NJ, as one (1) bid, and the bid from Paladino Concrete Creations Corp., Mount Vernon, NY, as one (1) bid, which exceeded the allocated funding, that was received for the North Middletown Road Pedestrian Link Project, PIN 8780.54.

14. **AWARD CONTRACT / PETERSEN INDUSTRIES, INC. / SORCEWELL CONTRACT #041217-PII / ONE (1) REAR STEER LOADER**

RESOLVED, upon the recommendation of the Superintendent of Highways, award the contract for the purchase of One (1) Rear Steer Loader to Petersen Industries, Inc. as per Sorcewell Contract #041217-PII in the amount of \$184,033.00 to be charged to account # H.5130.200.08.

PARKS AND RECREATION

15. **APPROVE EXTENSION OF MANAGEMENT CONTRACT WITH APPLIED GOLF FOR THE BROADACRES GOLF COURSE**

WHEREAS, by resolution 96 of 2014, the Town Board approved a Management Contract for a period of three years with APPLIEDGOLF, LLC ("Applied") for the private management of the Broadacres Golf Course; and

WHEREAS, the Request for Proposals which led to the Agreement with Applied, authorized, subject to agreement by the parties, up to two (2) one-year extensions; and

WHEREAS, the three year term of the initial Agreement between the Town and Applied expired December 31, 2016, and Applied has requested that the Town extend the Agreement for an additional year, as proposed in the RFP, at the same fee, subject to adjustment based on related performance goals, as was paid in any one of years 1, 2 or 3 of the Agreement, at the Town's option; and

WHEREAS, pursuant to Town Board Resolution 53 of 2017 the Town Board authorized an extension of the Agreement through December 31, 2017, and

WHEREAS, the parties have continued to operate under the terms and conditions of the initial Agreement for services and payment with the fee and performance amounts applicable in year 2015, however due to circumstances related to the potential sale of the property, no written extension agreement was formally executed between the parties, and

WHEREAS, the Town Finance Director, in consultation with the Town Superintendent of Parks, Recreation and Buildings, following a review of the income and revenue statements for the past three years, has concluded that the Town's financial interests would be best served were the Town to extend the Agreement based on the fee/performance goals as applied for the years 2018, 2019 and 2020; and

WHEREAS, by extending the Agreement, the Town will continue to receive a \$50,000.00 discount that exists under its Management Agreement with Applied for Applied's management of the Blue Hill Golf Course, which discount exists for however so long Applied manages both golf courses; and

WHEREAS, the Management Agreement between the Town and Applied Golf expires at the end of 2020, at which time it would be the Town's intention to seek a Request for Proposals, to the extent practicable, for the operation of both Town owned golf courses in conjunction with each other, and

WHEREAS, the Town Board has determined that it is in the best economic interests of the Town to extend the Agreement between the Town and Applied for the years 2018, 2019, nunc pro tunc, and 2020 on the same terms and conditions as set forth in the Agreement between the parties at the fee and performance amounts applicable in year 2015,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves an extension of the Management Agreement between the Town and Applied Golf for the management of the Broadacres Golf Course for the 2018, 2019 and 2020 golf seasons on the terms set forth in the Management Agreement between the parties, at the financial terms set forth therein as applicable to the second year of the Agreement, to wit, 2015; and

BE IT FURTHER RESOLVED, that the Town Supervisor, or her designated representative, shall be authorized to execute an Extension Agreement pursuant to the terms and conditions of this resolution.

POLICE

16. APPOINT / KEVIN CULLY / POLICE OFFICER / PROBATIONARY-PERMANENT

RESOLVED, upon the recommendation of the Chief of Police, appoint KEVIN CULLY from Rockland County List #(OC) 16097 to the position of Police Officer/Probationary-Permanent, effective June 3, 2020, at a salary consistent with the terms of the labor agreement between the Town of Orangetown and the Orangetown PBA.

17. APPOINT / EAMONN NOONAN / POLICE OFFICER / PROBATIONARY - PERMANENT

RESOLVED, upon the recommendation of the Chief of Police, appoint EAMONN NOONAN from Rockland County List #(OC)16097 to the position of Police Officer/Probationary/Permanent, effective June 3, 2020, at a salary consistent with the terms of the labor agreement between the Town of Orangetown and the Orangetown PBA.

18. PROMOTE CHRISTOPHER TIERNEY / POLICE SERGEANT / TOWN OF ORANGETOWN POLICE DEPARTMENT / EFFECTIVE JUNE 3, 2020.

RESOLVED, that upon the recommendation of the Chief of Police, promote Christopher Tierney from Rockland County civil service list # 17052/77-427, to the position of Police Sergeant/Town of Orangetown, effective June 3, 2020 at a salary consistent with the labor agreement between the Town of Orangetown and Orangetown PBA.

DEME

19. ACCEPT RESIGNATION / RETIREMENT SLUDGE PROCESSING EQUIPMENT OPERATOR I / KEITH BRENNAN / EFFECTIVE JUNE 26, 2020

RESOLVED, accept with regret the resignation / retirement of Sludge Processing Equipment Operator I, KEITH BRENNAN, from DEME, effective June 26, 2020.

20. APPOINT / JUSTINE FAVRE / CHEMIST / PERMANENT

RESOLVED, Upon the recommendation of Rockland County Personnel, appoint Justine Favre to the position of Chemist in DEME, from EL#20139, RC-NCP (Rockland County Non-Competitive Promotion), permanent, no change in salary, Grade 15, Step 14, \$99,681.35, effective June 3, 2020.

TOWN CLERK

21. 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: April 21, 2020, May 5, 2020 & May 19, 2020 Regular Town Board Meeting
- Agreement: Rockland County, Drug Task Force, Assistant Director
- Debt Statement for 2020 Bonding (dated May 4, 2020).
- Pearl River Fire District's Financial Statements, dated December 31, 2019.
- Agreement: Adopt-A-Spot, Advanced Landscape Solutions
- Agreement: Sunrise Medical Laboratories (COVID-19 & antibody testing)

FINANCE

22. 2019 FINAL BUDGET ADJUSTMENTS

RESOLVED, that based upon the recommendation of the Finance Director, the Town Board approves the following 2019 final Budget line reallocations and additional usage of Fund Balance:

1. General Fund: Additional Fund Balance usage of \$328,128. See attached exhibit for General Fund Budget line reallocation details.
2. Town Outside Village – Police: See attached exhibit for TOV-Police Budget line reallocation details.
3. Town Outside Village – Other: Additional Fund Balance usage of \$541,334. See attached exhibit for TOV-Other Budget line reallocation details.

4. Highway-Part Town: Additional Fund Balance usage of \$408,994. See attached exhibit for Highway-Part Town Budget line reallocation details.
5. Highway- Town Wide: See attached exhibit for Highway-Town Wide Budget line reallocation details.
6. DEME: See attached exhibit for DEME Budget line reallocation details.
7. Pearl River Parking District: Additional Fund Balance usage of \$25,415. See attached exhibit for Pearl River Parking District Budget line reallocation details.
8. Debt Service Fund: See attached exhibit for Debt Service Budget line reallocation details.

AUDIT

23. 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 three (3) warrants for a total of \$625,893.01 and authorize Town Supervisor to sign audit sheet on behalf of the Town Board.

EXECUTIVE SESSION

24. ENTER EXECUTIVE SESSION

RESOLVED, at ____ pm, the Town Board entered Executive Session to discuss proposed, pending or current litigation; personnel matters; and matters which imperil safety if disclosed.

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:

- ❖ **Bruce J. Acheson**, father of Town employees Michael Acheson of the Building Dept and P.O. James Acheson of the OPD
- ❖ **Robert Lehan**, member of Excelsior No. 1 Rescue, Pearl River
- ❖ **Barbara Paccione**, sister-in-Law of Town Employee Donna Morrison
- ❖ **Margaret Sheehan**, Pearl River