



## **TOWN OF ORANGETOWN REGULAR TOWN MEETING**

**Tuesday June 16, 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	_____

**Pledge of Allegiance to the Flag led by Esta Baitler**

### **ANNOUNCEMENTS:**

★ **Wishing Esta Baitler a Happy Birthday on June 21st!**

### **DISCUSSION: WORKSHOP OF AGENDA ITEMS**

**PUBLIC COMMENT:** The Town Board will accept questions and comments before the meeting via email at: [supervisor@orangetown.com](mailto: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.

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

You can also dial in using your phone.

United States (Toll Free): 1 877 568 4106

United States: +1 (312) 757-3129

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

New to GoToMeeting? Get the app now and be ready when your first meeting starts:  
<https://global.gotomeeting.com/install/968285389>

## 2. **CLOSE PUBLIC COMMENT PORTION**

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

## **AGENDA ITEMS:**

### **TOWN BOARD**

#### 3. **APPOINT MARTIN FOGERTY / MEMBER / BLUE HILL GOLF ADVISORY COMMITTEE / 2020**

**RESOLVED**, that the Town Board hereby appoints Martin Fogerty to the Blue Hill Golf Advisory Committee, effective 1/01/2020 and expires on 12/31/2020 to fill the term held by John Hickey.

**4. APPROVE / ELECTED & APPOINTED OFFICIALS / ESTABLISHING STANDARD WORK DAY / HOURS / NYS RETIREMENT SYSTEM**

**BE IT RESOLVED** that the Town of Orangetown ("Town") hereby establishes the following as standard work days for elected and appointed Officials, and will report the following days worked to the New York State & Local Retirement System ("NYSLRS"), based on the Record of Activities ("ROA") maintained, and submitted by, these Officials to the Town Clerk or Town Attorney:

<b>Elected or Appointed Official's Title</b>	<b><u>Name</u></b>	<b><u>NYSLRS Registration Number</u></b>	<b><u>Standard Work Day/SWD (hours per day)</u></b>	<b><u>Term Begins/Ends</u></b>	<b><u>Participates in Town's Time Keeping System</u></b>	<b><u>SWD Days per Month (based on ROA)</u></b>	<b><u>ROA Submitted</u></b>
Supervisor	Teresa M. Kenny	REDACTED	7	01/1/2020 - 12/31/2021	NO	26.71	YES (2020)
Executive Assistant to Supervisor	Allison Kardon	REDACTED	7	01/1/2020 - 12/31/2021	NO	26.52	YES (2020)
Inter-Government Relations Coordinator	Carmel Reilly	REDACTED	7	01/01/2020 - 12/31/2021	NO	23.41	YES (2020)
Inter-Government Relations Coordinator	Greg Garvey	REDACTED	7	01/01/2018 - 02/07/2020	NO	21.67	YES (2020)
Town Curator	Emily Hingle	REDACTED	7	01/01/2020 - 12/31/2021	YES <sup>1</sup>	15.28	YES (2020)
Town Clerk	Rosanna Sfraga	REDACTED	7	01/01/2020 - 12/31/2021	YES	NOT NEEDED	NOT NEEDED
Deputy Town Clerk	Joseph Thomassen	REDACTED	7	01/01/2020 - 12/31/2021	YES	NOT NEEDED	NOT NEEDED
Town Justice	Patrick Loftus	REDACTED	7	01/01/2020 - 12/31/2023	NO	5.60 <sup>2</sup>	YES (2015)
Town Justice	Richard C. Finning	REDACTED	7	01/01/2018 - 12/31/2021	NO	10.12 <sup>3</sup>	YES (2018)
Councilman	Paul Valentine	REDACTED	7	01/01/2020 - 12/31/2023	NO	8.45 <sup>4</sup>	YES (2015)
Councilman	Thomas Diviny	REDACTED	7	01/1/2018 - 12/31/2021	NO	13.80 <sup>5</sup>	YES (2015)
Zoning Board of Appeals	Thomas Quinn	REDACTED	7	01/01/2019 - 12/31/2023	NO	1.69 <sup>6</sup>	YES (directly to NYSLRS)

<b>Elected or Appointed Official's Title</b>	<b>Name</b>	<b>NYSLRS Registration Number</b>	<b>Standard Work Day/SWD (hours per day)</b>	<b>Term Begins/Ends</b>	<b>Participates in Town's Time Keeping System</b>	<b>SWD Days per Month (based on ROA)</b>	<b>ROA Submitted</b>
Historical Areas Board of Review	Walter Scott Wheatley	REDACTED	7	01/01/2018 - 12/31/2022	NO	2.00 <sup>7</sup>	YES (directly to NYSLRS)
Zoning Board of Appeals	Daniel Sullivan	REDACTED	7	01/01/2016 - 12/31/2020	NO	2.96	YES (2019)
Planning Board	Bruce Bond	REDACTED	7	01/01/2018 - 12/31/2022	NO	-----	NO
Commissioner of DEME	Eamon Reilly	REDACTED	7	09/10/2018 - 09/10/2023	NO	31.48	YES (2020)
Deputy Commissioner of DEME	Christopher Sheehan	REDACTED	7	06/10/2019 - 06/19/2024	NO	27.90	YES (2020)
Superintendent of Parks & Rec.	Aric Gorton	REDACTED	7	01/01/2020 - 12/31/2021	YES	NOT NEEDED	NOT NEEDED
Director of OBZPAE	Jane Slavin	REDACTED	7	01/01/2020 - 12/31/2021	NO	26.24	YES (2020)
Finance Director	Jeffrey Bencik	REDACTED	7	01/01/2020 - 12/31/2020	NO	25.71 <sup>8</sup>	YES (2015)
Deputy Town Attorney	Dennis D. Michaels	REDACTED	7	01/01/2020 - 12/31/2021	NO	14.27 <sup>9</sup>	YES (2018)
Town Attorney	Robert V. Magrino	REDACTED	7	01/01/2020 - 12/31/2021	NO	22.17 <sup>10</sup>	YES (2018)
Deputy Town Attorney	Denise A. Sullivan	REDACTED	7	01/01/2020 - 12/31/2021	NO	10.36	YES (2020)
Deputy Town Attorney	Richard S. Pakola	REDACTED	7	01/01/2020 - 12/31/2021	NO	12.23 <sup>11</sup>	YES (2018)
Deputy Town Attorney	Brittany Cordero	REDACTED	7	01/13/2020 - 12/31/2021	NO	11.20	YES (2020)
Deputy Town Attorney	Elizabeth Brancati	REDACTED	7	01/01/2020 - 12/31/2021	NO	11.17	YES (2020)

<sup>1</sup> Handwritten; verified by Mary Cardenas.

<sup>2</sup> Days per month is based on Town Board Resolution #373 of 2015.

<sup>3</sup> Days per month is based on ROA submitted as of 03/31/2018; Recertification of ROA submitted on 03/17/2020.

<sup>4</sup> Days per month is based on Town Board Resolution #373 of 2015.

<sup>5</sup> Days per month is based on Town Board Resolution #373 of 2015; Recertification of ROA submitted on 02/28/2020.

<sup>6</sup> Days per month is based on submission of ROA directly to NYSLRS, and Town Board Resolution #373 of 2015; Recertification of ROA submitted on 04/20/2020.

<sup>7</sup> Days per month is based on submission of ROA directly to NYSLRS, and Town Board Resolution #373 of 2015; ROA result confirmed by NYSLRS letter dated 06/27/2016.

<sup>8</sup> Days per month is based on Town Board Resolution #373 of 2015; Recertification of ROA submitted on 06/01/2020.

<sup>9</sup> Days per month is based on ROA submitted as of 03/31/2018; Recertification of ROA submitted on 02/28/2020.

<sup>10</sup> Days per month is based on ROA submitted as of 06/30/2018; Recertification of ROA submitted on 06/11/2020.

<sup>11</sup> Days per month is based on ROA submitted as of 06/30/2018; Recertification of ROA submitted on 02/28/2020.

**BE IT FURTHER RESOLVED** that this Resolution shall be posted for at least 30 days, and a certified copy of the Resolution shall be filed by the Town Clerk with the Office of the New York State Comptroller.

5. **\*\*PLACE HOLDER\*\* APPROVE REVOCABLE LICENSE WITH GRAPE D'VINE**

**WHEREAS**, the Town of Orangetown is the owner of certain property located in the hamlet of Sparkill identified as tax lot 77.08-4-28 in the vicinity and part of the area known as Depot Square, and

**WHEREAS**, the owner of property adjoining this property, ELP, LLC and Reil-Buy, LLC, which operates a restaurant and wine store known as Grape D'Vine, which restaurant provides limited outdoor dining, and

**WHEREAS**, the owner of Grape D'Vine has requested the use of a part of the Town land adjoining the aforementioned properties for purposes of placing picnic tables and umbrellas for the use of the restaurant as part of the permitted outdoor dining as part of the economic recovery from the shutdown of restaurants as a result of the COVID-19 emergency,

**NOW THEREFORE**, The Town Board hereby authorizes the use of the Town owned property consisting of the small grass area adjacent to tax lot 77.08/4/26 by Grape D'Vine for the purposes of placing up to \_\_\_\_\_ picnic tables with umbrellas for purposes use by the restaurant during dining hours for outdoor dining purposes in accordance with Town Board Resolution No. 2020-249, as a Temporary Licenses, under the following terms and conditions:

- 1) The Owner must obtain a permit for outdoor dining under the terms and conditions of Resolution 2020-249 including but not limited to the requirement to adhere to all New York State guidelines regarding outdoor dining and shall terminate in accordance therewith and agreeing to hold the Town harmless and provide insurance naming the Town as additional insured under its liability insurance policy;
- 2) The Town Board may revoke this Temporary License for any reason, at its sole discretion for any reason, on seven days written notice;
- 3) Any tables placed on Town property as authorized by the License Agreement shall be available for use by Town residents when the restaurant is not open;
- 4) The applicant shall have no vested rights in the permit or the use of the property that is the subject of this resolution other than as set forth herein;
- 5) The applicant shall pay the sum of \$----- per month for the use of the Town property as set forth herein, which shall be payable on or before the 1st day of each month during which this Temporary License shall be effective, on a pro rata basis.

**BE IT FURTHER RESOLVED**, that the Supervisor or her designee is authorized to execute any documents to implement the terms of this resolution, upon review and approval of the Town Attorney's Office.

6. **\*\*PLACE HOLDER\*\* / AUTHORIZE TOWN BOARD MEETINGS SCHEDULED FOR JULY 7, 2020 AND JULY 21, 2020 TO BE HELD IN PERSON AT TOWN HALL / COMMENCE AT 7:00 PM / OPEN TO PUBLIC WITH SAFETY MEASURES**

**WHEREAS**, on April 7, 2020, in accordance with Executive Order No. 202.1 issued by the Governor of the State of New York with respect to the COVID 19 crisis, the Town Board authorized Town Board meetings to be held via videoconference with no in person attendance by the public permitted, and

**WHEREAS**, the Mid-Hudson Valley region where the Town is located is expected to be in Phase 3 of the Governor's plan for re-opening after the COVID-19 related closures of businesses and prohibitions on gatherings by July 7, 2020, and

**WHEREAS**, as a municipal entity and thus an essential business, the Town may conduct in person meetings, provided appropriate safety measures are taken with respect to the COVID-19 crisis and allow occupancy of up to 50% capacity,

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby authorizes Town Board meetings scheduled for July 7, 2020 and July 21, 2020 to commence at 7:00 p.m. and said meetings will be held in person, at Town Hall located at 26 W. Orangeburg Road, Orangeburg, New York, and which meetings shall be open to the public subject to capacity limitations, and all appropriate safety measures including but not limited to social distancing and the wearing of personal protective equipment, and

**BE IT FURTHER RESOLVED**, that the meetings shall be streamed live on YouTube via the Town's website, Facebook, and via Cable Television, Channel 30 on Fios and Channel 78 on Optimum, and anyone who does not wish to attend but wishes to be heard during the public comment period may send same via email to [akardon@orangetown.com](mailto:akardon@orangetown.com).

## **TOWN ATTORNEY**

7. **APPROVAL OF 2020 CERTIFICATE OF SEWER REGISTRATION**

**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:

- SDM Industries, 21 South Park Terrace, Congers, NY 10920, Tel No.: 845-268-7235

## **HIGHWAY**

8. **APPROVE JUNGLE LASERS AGREEMENT FOR TIME SHEETS & TIME CLOCK**

**RESOLVED**, to approve new payroll module into existing time sheet module for construction reports & management, in the amount of \$ 23,607.00, for three years, payable to Jungle Lasers.

## **DEME**

### **9. RESOLUTION TO APPROVE CHANGE ORDER #2 / JETT INDUSTRIES INC. / CONTRACT NO. DEME-53G-2018 / TOTAL RESIDUAL CHLORINE REDUCTION**

**RESOLVED**, that upon the recommendation of the Commissioner of DEME, approve Change Order #2 to Contract No. DEME-53G-2018, Jett Industries Inc., for a credit in the amount of \$2,128.95. This Change Order represents the final agreed upon price for all work required and performed within the scope of this contract. Previous Contract Price: \$525,764.00; Revised Contract Price: \$523,635.05.

## **PARKS AND RECREATION**

### **10. ACCEPT DONATION / IMPROVEMENTS AROUND THE RESTAURANT AND PLANTER BOXES AT BLUE HILL GOLF COURSE / J&J EVERGREEN LANDSCAPING**

**RESOLVED**, upon the recommendation of the Superintendent of Parks and Recreation and the Orangetown Golf Advisory Committee accept with gratitude the donation of landscaping improvements to be made to the area around the restaurant at Blue Hill Golf Course and several golf course planter boxes. Work to be performed by J&J Evergreen Landscaping and funded by the Orangetown Golf Advisory Committee.

### **11. ACCEPT DONATION / BENCH / BLUE HILL GOLF COURSE / DONATED BY THE SUNDAY BOYS, FRIENDS OF ALLAN SEEBACH**

**RESOLVED**, upon the recommendation of the Superintendent of Parks and Recreation accept with gratitude the donation of a memorial bench by; The Sunday Boys, Friends of Allan Seebach to be placed on the grounds at Blue Hill Golf Course. Memorialization engraving to read:

In Loving Memory of  
Allan F. Seebach Jr.  
1/13/58 – 4/23/20 "Oh Allan"  
Dedicated Blue Hill Employee

### **12. RESOLUTION TO APPROVE / LEND AID / 2020 ORANGETOWN FAMILY FLICKS / FRIDAY, JUNE 26TH & SATURDAY, JUNE 27TH**

**RESOLVED**, upon the completion of all necessary paperwork for the Orangetown Highway Department and after meetings with the Orangetown Police Department, the Superintendent of Parks & Recreation has forwarded for approval by the Town Board the Orangetown Family Flicks program to be held on the ground of IRG Realty in Pearl River (Pfizer). This will be a two night event, night 1 is a TZHS only event allowing the senior class and their families to gather one last time safely under the NYS Drive-in Theater Covid 19 Guidelines. The cost of the SOCSO event will be covered by the school district and or the senior class. The second night will be open to residents of Orangetown by registration only and will allow for 200 families to attend. The night will also feature food trucks and all current Covid 19 guidelines will be in place. All entities have also met the insurance needs of IRG Realty and the funds for the 2nd night are currently in the 7310.457 budget.

The following has been requested from Orangetown Highway:

- Cones
- Barricades
- Snow Fencing

The following has been requested from the Orangetown Police Department:

- No Parking signs along N. Middletown Road
- 5 or 6 Auxiliary Police
- 1 or 2 on-site police officers

The following has been requested from United Rentals:

- 5 Porta-Johns

## **ASSESSOR**

### **13. AUTHORIZE TOWN TO SHARE IN COST OF APPRAISAL SERVICES; CBRE: WEBSTER COLLINS; PFIZER TAX CERTIORARI CASE**

**RESOLVED** that the Town Board authorizes to share in the cost of retaining of Webster A. Collins, CBRE pursuant to a proposal dated December 5, 2019 with the Nanuet School District, to provide appraisal services to the Town in defense of the tax certiorari proceeding known as Pfizer v. Town of Orangetown and Nanuet Union Free School District, regarding 401 North Middletown Rd., Pearl River, NY (Tax Map Designation 68.08-1-5); said shared cost to be on a 50% basis for services from June 1, 2020 and forward, and authorizes the Supervisor, or her designee, to execute any documents necessary to implement the terms of this Resolution, upon review by, and approval of, the Town Attorney's Office.

## **AUDIT**

### **14. 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 one (1) warrant for a total of \$1,326,554.58 and authorize Town Supervisor to sign audit sheet on behalf of Town Board.

## **EXECUTIVE SESSION**

### **15. ENTER EXECUTIVE SESSION**

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

---

## **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:

❖ **David Louis McIlwain**, formerly of Pearl River