



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday July 07, 2020

This Town Board Meeting was opened at 7:00 PM.

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

POLICE COMMISSION / 6:30 PM to 7:00 PM

1. ENTER POLICE COMMISSION

RESOLVED, the Town Board entered the Police Commission to discuss and/or receive an update regarding monthly reports for May and report on SRO program for 2019-2020 school year.

2. ENTER EXECUTIVE SESSION

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

3. RE-ENTER RTBM

RESOLVED, at ____ pm, the Town Board re-entered the Regular Town Board Meeting.

Pledge of Allegiance to the Flag

ANNOUNCEMENTS:

- Land Trust
- Comprehensive Plan

PRESENTATIONS:

- Toll Brothers Presentation on Gatto Lane

DISCUSSION: WORKSHOP OF AGENDA ITEMS

PUBLIC COMMENT:

4. OPEN PUBLIC COMMENT PORTION

RESOLVED, the Public Comment portion is hereby opened.

5. CLOSE PUBLIC COMMENT PORTION

RESOLVED, the Public Comment portion is hereby closed.

AGENDA ITEMS:

TOWN BOARD

6. SET PUBLIC HEARING DATE / RTBM OF 8/18/2020 AT 7:15 P.M. / PROPOSED AMENDMENT / TOWN CODE CHAPTER 39, VEHICLES & TRAFFIC ARTICLE II, TRAFFIC ADVISORY BOARD (TAB)

RESOLVED, the Town Board will hold a Public Hearing on 8/18/2020 at 7:15 pm on a proposed amendment to the Town Code, CHAPTER 39, VEHICLES & TRAFFIC ARTICLE II, TRAFFIC ADVISORY BOARD (TAB), for the purpose of clarifying the TAB's organization, membership and procedures.

7. APPROVE / ORANGETOWN 2021 BUDGET CALENDAR

WHEREAS, Article 8 of the Town Law of the State of New York provides for a budget system for a Town and the Town Board wishes to set up a budget schedule as provided in Article 8 of the Town Law by designating various dates to implement the 2021 budget;

NOW, THEREFORE, BE IT RESOLVED, that the following dates are hereby set as official dates of the Town of Orangetown for the submission and adoption of the budget as required by law;

SEPTEMBER 12, 2020 (Saturday): Special Town Board Meeting at 8:00 A.M. will take place regarding the 2021 budget hearing at Town Hall, Orangeburg, New York, to include all department heads;

SEPTEMBER 22, 2020: At the **RTBM of the Town Board at 7:00 P.M.**, the Town Clerk shall distribute to the Town Board the 2021 Tentative Budget for the Town and the Finance Department will publish it on the Town's website;

SEPTEMBER 22, 2020: Schedule a Public Hearing for **October 06, 2020, 7:15 P.M.** regarding the Blauvelt Fire District contract;

SEPTEMBER 22, 2020: Schedule Public Hearings for **October 06, 2020, 7:30 P.M.** regarding the library districts for one year contract (Blauvelt, Orangeburg Tappan, and Palisades);

SEPTEMBER 22, 2020: Schedule a Public Hearing for **October 20, 2019, 7:15 P.M.** regarding the Preliminary Budget;

OCTOBER 20, 2020: Last day for the Town Board to complete review of Tentative Budget and file the Preliminary Budget with the Town Clerk, and for the Finance Department to publish on the Town's website;

OCTOBER 20, 2020: Adjourn Public Hearing of Preliminary Budget to **November 10, 2020 at 7:15 P.M.**;

NOVEMBER 10, 2020: At 7:15 P.M. a Public Hearing on the Preliminary Budget shall be held at Town Hall, Orangeburg, New York. At the conclusion of the Hearing, the Town Board may by resolution adopt a final budget, by either accepting or amending the Preliminary Budget and said budget may become the legally Adopted Budget for the Town of Orangetown for the year commencing January 1, 2021.

8. **SET DATE / STBM (PUBLIC) / SEPTEMBER 12, 2020 AT 8:00 A.M. / 2021 DEPARTMENT BUDGET PRESENTATIONS**

RESOLVED, that the Town Board affirms the Special Town Board Meeting on September 12, 2020 at 8:00 A.M. regarding the Town Department Budgets, and authorizes the Town Clerk to publish the meeting notice.

9. **ACCEPT PROPOSAL FROM LOTHROP ASSOCIATES FOR ADDITIONAL WORK / NEW TOWN HALL**

WHEREAS, pursuant to Town Board Resolution No. 743 of 2018, the Town Board authorized the Town Clerk to issue a Request for Proposal (RFP) for Architectural Engineering and Space Planning Services, for the purpose of receiving bids to provide design plans and consultation for a proposed Town Hall, subject to final approval of appropriate Town department heads, and

WHEREAS, such services are for professional services and not subject to the competitive bidding requirements of NY General Municipal Law §103 and

WHEREAS, on July 9, 2019, via Town Board Resolution 2019-346 the Town Board accepted a proposal from Lothrop Associates to provide Architectural, Engineering and Space Planning Services, and

WHEREAS, Lothrop Associates has been working with the Town on the plans and part of the planning process, the Town has determined that certain additional services are necessary and desired in order to address the needs of the design and implementation of the design of a new Town Hall, including services related to Informational Technology, Geo-Tech Services, and compliance with the State Environmental Quality Review Act (SEQRA),

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the proposals from Lotthrop Associates to provide additional services to the Town as part of the new Town Hall project, specifically the proposal to provide Information Technology Design Services Dated April 4, 2020 in the amount of \$35,000.00; Geo-Tech Services Dated March 23, 2020 in the amount of \$29,840.00 and SEQRA related services Dated March 23, 2020 in the amount of \$17,575.00, and

BE IT FURTHER RESOLVED, that the Supervisor and/or her designee is authorized to execute the agreement as necessary to effectuate this resolution, upon approval by the Town Attorney's Office.

TOWN ATTORNEY

10. APPROVE / AUTHORIZE DENNIS MICHAELS, DEPUTY TOWN ATTORNEY / TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING 134 NORTH BROADWAY / STUART CHAITIN AND JENNIFER CHAITIN v. TOWN, ET AL

RESOLVED, upon the recommendation of the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to execute settlement documents regarding the tax certiorari proceeding Stuart Chaitin and Jennifer Chaitin v. Town of Orangetown, et al., venued in NYS Supreme Court, Rockland County (Index Nos. 033437/2015, 032858/2016, 033140/2017, 034327/2018, 033973/2019), Tax Map designation 66.22-3-13 (134 North Broadway, Village of Nyack), for a total refund by the Town of \$1,069.00, a total refund by the Nyack Union Free School District of \$3,898.00, and a total refund by the County of \$424.00. The Nyack School Board approved this settlement at their 04/07/2020 meeting. Interest on the Town's liability as a result of assessment decrease or refund is waived if payment is made within sixty (60) days after a copy of the Court Order, based upon the settlement, is served on the Rockland County Finance Department.

11. 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:

- TAL Services LLC, 176 Erie Street W, Blauvelt, NY 10913, Tel. # 914-403-2758

12. AUTHORIZE RETAINER AGREEMENT WITH KEANE & BEANE, P.C. / API INDUSTRIES (ALUF) v. TOWN / INDEX NO. 20 CIV 4533 / SDNY

RESOLVED, on the recommendation of the Town Attorney, approve the retainer of Keane & Beane, P.C. to represent the Town of Orangetown, the Town of Orangetown Town Board, Teresa Kenny in her official capacity as Supervisor and Chris Day in his official capacity as former Supervisor, as defendants in connection with a federal lawsuit filed in the Southern District of New York, under docket 20 civ. 4533, entitled *API Industries dba Aluf Plastics v. Town of Orangetown, et al*, on the terms and conditions set forth in a proposed Retainer Agreement, incorporated by reference herein, and authorize the Supervisor, or her designated representative, to execute a copy thereof.

13. **RESOLUTION TO GRANT COVENANT, HOLD HARMLESS AND INDEMNIFICATION AGREEMENT / SORCE ASSUMMA & SHANKEY FUNERAL HOME / 34 N. SUMMIT STREET, PEARL RIVER (68.19-2-15)**

WHEREAS, Donald Brenner, Esq., as attorney and on behalf of his client, Sorce Assumma & Shankey Funeral Home, property owner of 34 N. Summit Street, Pearl River, New York (68.19-2-15), has applied to the Town Highway Department for permission for a previously constructed canopy that encroaches on the Town right-of-way to remain in place; and

WHEREAS, the matter has been reviewed by the Town Highway Department and the Town Attorney's Office, and the Highway Department and the Town Attorney's Office recommend that the Town allow the canopy to remain in place provided the owner executes and files with the County Clerk a Covenant, Hold Harmless and Indemnification Agreement,

NOW, THEREFORE, BE IT RESOLVED, that the Town hereby grants to 34 N. Summit Street, Pearl River, New York (68.19-2-15), a revocable license, in the form of a Covenant, Hold Harmless and Indemnification Agreement, which provides that the canopy currently encroaching on the Town's right-of-way may remain and the owner of the property, Sorce Assumma & Shankey Funeral Home, must defend, indemnify and hold harmless the Town for any damage related thereto and caused thereby, and that said structure must be removed upon notice as set forth therein, otherwise to be removed by the Town at the expense of the property owner and,

BE IT FURTHER RESOLVED, that the Supervisor or her designee is hereby authorized to execute the Covenant, Hold Harmless and Indemnification Agreement and any and all other documents necessary in order for same to be recorded in the Rockland County Clerk's Office, at the expense of the owner.

14. **ACCEPT, RECEIVE AND FILE PERFORMANCE BOND / BERGSON SUBDIVISION PLAN**

WHEREAS, Wyandanch Washington Realty LLC, as developer of certain property located at 56 Woods Road, Palisades, New York, and as shown on the Orangetown Tax Map as Section 78.18, Block 1, Lots 3.1 and 3.2, applied for and received subdivision plan approval from the Town of Orangetown Planning Board for said property pursuant to Planning Board decision #18-32, and

WHEREAS, pursuant to the aforesaid approval, the Planning Board required that the applicant post a Performance Bond in the amount of \$102,906.00 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 June 22, 2020, issued by Atlantic Specialty Insurance Company as Surety, on behalf of Wyandanch Washington Realty LLC, as principal, in the amount of \$102,906.00, naming the Town of Orangetown as beneficiary, to insure the completion of public improvements associated with the Bergson Subdivision Plan, which Performance Bond has been approved as to form and substance by the Town Attorney's Office,

NOW BE IT RESOLVED THAT, the Town hereby formally accepts, receives and files with the Office of the Town Clerk a Performance Bond dated June 22, 2020 issued by Atlantic Specialty Insurance Company, on behalf of Wyandanch Washington Realty LLC, as principal, in the amount of \$102,906.00, naming the Town of Orangetown as beneficiary, to insure the completion of public improvements associated with the Bergson Subdivision Plan no later than June 17, 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 No. 18-32, any Town departments having jurisdiction thereof, and formal resolution of the Town Board.

15. **APPROVE / CONSENT TO INCORPORATION OF THE WOODS ROAD SEWAGE WORKS CORP. / ACCEPT, RECEIVE AND FILE SEWAGE WORKS PERFORMANCE BOND**

NOW BE IT RESOLVED, on application of Wyandanch Washington Realty LLC, owner of the premises located at 56 Woods Road, Palisades, New York, and as shown on the Orangetown Tax Map as Section 78.18, Block 1, Lots 3.1 and 3.2, the Town Board consents to the formation and incorporation of the Woods Road Sewage Works Corp., pursuant to Article 1, Section 3 and Article 10 of the New York State Transportation Corporations Law, for the purposes set forth in the proposed Certificate of Incorporation, made a part of this Resolution.

NOW BE IT ALSO RESOLVED, the Town hereby formally accepts, receives and files with the Office of the Town Clerk a Performance Bond dated June 22, 2020 issued by the Atlantic Specialty Insurance Company, on behalf of Wyandanch Washington Realty LLC, as principal, in the amount of \$76,050.00, naming the Town of Orangetown as beneficiary, to insure the completion of the private sewer installation by Wyandanch Washington Realty LLC, no later than June 17, 2021 and said bond to be returned only upon satisfactory completion of said installation according to the terms of said Bond, the Bergson Private Sewer Installation Cost Estimate Form, and formal resolution of the Town Board."

POLICE

16. **CREATE POSITION / POLICE OFFICER / FRENCH/CREOLE SPEAKING**

RESOLVED, upon the recommendation of the Chief of Police and upon the approval of Rockland County Personnel, create the position of Police Officer (French/Creole Speaking) in the Orangetown Police Department.

PARKS AND RECREATION

17. APPROVE / LEND AID / 2020 ORANGE “BIKE” ROAD FAMILY BIKE DAY / SUNDAY, JULY 19TH (RAIN DATE JULY 26TH)

RESOLVED, upon the completion of all necessary paperwork for the Orangetown Highway Department, Rockland County Highway Department and after meetings with the Orangetown Police Department , the Superintendent of Parks & Recreation has forwarded for approval by the Town Board the Orange “Bike” Road Family Bike Day event to be held on the grounds of Blue Hill Plaza as well as local and county roadways. This event will be a 3 hour event allowing Orangetown families a new and unusual bike way. Funds for this event already exist in the budget for 7310.457.

The following has been requested from Orangetown Highway:

- Cones
- Barricades Roadway Signage
- Detour Signage

Rockland County Highway:

- Personnel and Cones to be place from Blue Hill Plaza to Lester Drive.
- Roadway Signage

The following has been requested from the Orangetown Police Department:

- Auxiliary Police (# TBD by Orangetown Police Administration)
- Roadway Signage

The following has been requested from United Rentals:

- 5 Porta-Johns

18. ACCEPT DONATION / MEMORIAL BENCH

RESOLVED, upon the recommendation of the Superintendent of Parks and Recreation accept with gratitude the donation of a memorial bench to be placed at Veterans Memorial Park. Engraving will read:

In Loving Memory of Conor Grant
10-09-1992 - 10-01-2017

19. ACCEPT DONATION / MEMORIAL BENCH

RESOLVED, upon the recommendation of the Superintendent of Parks and Recreation accept with gratitude the donation of a memorial bench to be placed at the Sparkill Playground. Engraving will read:

In Honor of Barry G. Forman USAF
"Barry's Bench"

20. **ACCEPT DONATION / MEMORIAL BENCH**

RESOLVED, upon the recommendation of the Superintendent of Parks and Recreation accept with gratitude the donation of a memorial bench to be placed on the Clarke Rail Trail. Engraving will read:

TBD

21. **AWARD CONTRACT / PETTINELLI RECREATION / MIRACLE RECREATION/
SOURCEWELL CONTRACT #030117-LTS / PLAYGROUND EQUIPMENT
REPLACEMENT**

RESOLVED, upon the recommendation of the Superintendent of Parks and Recreation award the contract for the replacement of playground equipment at; Pilgrim Court and Tappan Park to Pettinelli Recreation / Miracle Recreation as per Sourcewell Contract # 030117-LTS in an amount not to exceed \$250,000 charged to account H.7110.200.08.

BUILDING

22. **APPROVE EXTENSION OF EXPIRATION DATES FOR LAND USE
APPROVALS / BUILDING PERMITS / ZBA and PLANNING BOARD
APPROVALS**

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 pandemic and to date has issued forty five Executive Orders as part of the State of Emergency, and

WHEREAS, on or about June , 2020, the Governor signed into law, identified as Chapter 111 of the Laws of 2020, a provision which authorizes local governments to extend for a period of up to 120 days the expiration date of any building permits, Zoning Board of Appeals approvals and Planning Board approvals that were issued prior to March 7, 2020 and still active as of that time, and

WHEREAS, the Town Board wishes to adopt such a resolution since construction activities were prohibited for several months during the pandemic and extension of the expiration dates is in the best interests of the Town so as to avoid the unnecessary burden for requests for extensions on both the Town and the permittees,

NOW, THEREFORE, BE IT RESOLVED that pursuant to Chapter 111 of the Laws of 2020 of the State of New York, the Village Board hereby authorizes the extension of the expiration date for any Building Permits, Zoning Board of Appeals approvals and Planning Board approvals that were active on and not expired as of March 7, 2020, for a period of _____ days from their original expiration date.

DEME

23. AUTHORIZE / 2 MARYCREST ROAD / MONICA ALEXANDER / OUT OF DISTRICT SEWER CONNECTION

RESOLVED, that upon the recommendation of the Director of the Department of Environmental Management and Engineering and the Town Attorney, request of Monica Alexandra, 2 Marycrest Road, West Nyack, New York, Tax Map No. 69.07/1/8, for out of district sewer service to the Rockland County Sewer District No. 1, because sewer service is not available through the Orangetown Sewer System, is hereby approved, subject to approval by the Rockland County Sewer District No. 1.

AUDIT

24. 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 six (6) warrants for a total of \$2,746,048.29.

EXECUTIVE SESSION

25. 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:

❖ **Frank Dobbs**, *Tappan*

❖ **Marion Louise Dolan**, *longtime resident of Pearl River*