



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday August 04, 2020

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

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

Pledge of Allegiance to the Flag

ANNOUNCEMENTS:

- **PUBLIC HEARING / RTBM OF 8/18/2020 AT 7:15 P.M. / PROPOSED AMENDMENT / TOWN CODE CHAPTER 39, VEHICLES & TRAFFIC ARTICLE II, TRAFFIC ADVISORY BOARD**
- **PUBLIC HEARING / RTBM OF 8/18/2020 at 7:25 P.M. / PROPOSED AMENDMENT TO TOWN CODE / CHAPTER 43, ARTICLE IV / SPECIAL PERMIT / OUTDOOR PARKING AND STORAGE OF VEHICLES**
- **RTBM September 1, 2020 at 7:15 P.M. / 2021 Budget Presentation for Libraries and Special Districts**
- **September 11, 2020 (Friday) – 19th Anniversary of 9/11 – Remembrance Service at Town Hall Lawn Monument at 6:00 P.M.**
- **STBM (PUBLIC HEARING) / SATURDAY, SEPTEMBER 12, 2020 AT 8:00 A.M. / 2021 DEPARTMENT HEAD PRESENTATIONS TO TOWN BOARD / BUDGET REQUESTS**

PRESENTATIONS:

- ☛ **Eagle Scout Benjamin So's Walkway of American Heroes Project**
 - ◆ **Introduction by Robert Dell, Walkway of American Heroes Project Manager, VFW 1615 Liaison to the Town of Orangetown.**
 - ◆ **Commander John J. Antonucci of the Raymond W. DeMeola Memorial Post VFW 1615 of Blauvelt and the Town of Orangetown are honoring Eagle Scout Benjamin So, Troop #2097, for his project cataloging over 1,500 memorial bricks in the Walkway of American Heroes and creating an online database and website that will allow visitors to find any brick at the memorial.**

DISCUSSION: WORKSHOP OF AGENDA ITEMS

PUBLIC COMMENT:

1. **OPEN PUBLIC COMMENT PORTION**

RESOLVED, the Public Comment portion is hereby opened.

2. **CLOSE PUBLIC COMMENT PORTION**

RESOLVED, the Public Comment portion is hereby closed.

AGENDA ITEMS:

TOWN BOARD

3. **SET DATE / PUBLIC HEARING / STBM OF SEPTEMBER 1, 2020 at 6:00 P.M. /
DEME 2020 BUDGET PRESENTATION TO TOWN BOARD**

RESOLVED, the Town Board will hold a Public Hearing on 9/01/2020 at 6:00 P.M. regarding the Department of Environmental Management and Engineering Department 2020 Budget Presentation to the Town Board.

4. **ACCEPT / STATE AND MUNICIPAL FACILITIES PROGRAM GRANT (#23966) /
IMPROVEMENTS TO VETERAN'S MEMORIAL PARK**

WHEREAS, pursuant to a letter dated July 29, 2020, the Town of Orangetown has been approved by the State of New York to receive a State and Municipal Facilities Program (SAM) grant to be administered by the Dormitory Authority of the State of New York (DASNY) for Improvements to Veteran's Memorial Park Playground, Project Identification #23966, in the amount of \$250,000.00, subject to review and approval of DASNY and the submission of further documentation by the Town to DASNY and

WHEREAS, the Town Board was previously awarded a SAM grant in the amount of \$250,000.00 for the project, identified as SAM Grant #21590, which was accepted by the Town pursuant to Town Board Resolution 2020-107 and

WHEREAS, the Town Board hereby finds that the Improvements to Veteran's Memorial Park project and acceptance of the grant is a Type II action under SEQRA which requires no further review with respect to SEQRA, and

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby agrees to accept the SAM Grant from the State of New York, which is to be administered by DASNY, in the amount of \$250,000.00 for the Veteran's Memorial Park project, and

BE IT FURTHER RESOLVED, that the Supervisor or her designee is authorized to execute any and all documents necessary to accept and administer the grant for the

Veteran's Memorial Park in accordance with DASNY requirements, subject to review and approval of the Town Attorney's Office.

BE IT FURTHER RESOLVED, the Town Board authorizes the Supervisor to make application as necessary to DASNY for an additional \$250,000.00 grant for purposes of improvements to the Veteran's Memorial Playground Project.

5. **APPROVE REVISED HAZARDOUS MATERIALS PROPOSAL / TOWN HALL PROJECT / LOTHROP ASSOCIATES**

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 studies for hazardous materials with respect to soil, the existing Town Hall Addition (Police, Town Clerk and Court) and the Original Town Hall Building,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the proposals from Lothrop Associates to provide additional services related to a study with respect to hazardous materials regarding soils in the amount of \$31,325.00, a study with respect to hazardous materials regarding the Town Hall Addition (Police, Town Clerk and Court) in the amount of \$21,448.00, and a study with respect to hazardous materials for the original Town Hall Building in the amount of \$29,422.00 and

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

6. **RESOLUTION TO HIRE LEGAL COUNSEL / POTENTIAL REDEVELOPMENT**

WHEREAS, the Town Board is desirous of reviewing the zoning of certain properties in the Town to encourage economic redevelopment, including but not limited to the property known as HNA Palisades located at 334 Route 9W, Palisades (Parcel ID: 78.13-1-1), for review of and possible changes to the Town Code with respect to a the zoning and redevelopment of the property, and

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes an agreement with Michael Zarin, Esq., of the law firm of Zarin & Steinmetz, in connection with professional legal services related to the potential redevelopment and zoning of the property known as HNA Palisades, at an hourly rate of \$450.00 for Mr. Zarin and not to exceed \$10,000.00, and authorizes the Supervisor or her designee to execute the agreement, subject to review and approval of the Town Attorney's Office.

TOWN ATTORNEY

7. **MALONEY SUBDIVISION – ACCEPT, RECEIVE AND FILE CASH BOND AND AGREEMENT RE: FILING OF REQUIRED EASEMENT AND HOLDING OF ASSOCIATED MONEY IN ESCROW**

WHEREAS , Michael Maloney, as owner of property located at 60 Fisher Avenue, Pearl River, New York (Tax Lot Section 68.11 Block 2 Lot 70), has applied for and received subdivision approval from the Town of Orangetown Planning Board for said property pursuant to Planning Board decision #19-51 for the project known as the “Maloney Minor Subdivision Plan,” and

WHEREAS, pursuant to the aforesaid approval and Planning Board decision #20-08, the Planning Board required that the applicant post a Performance Bond in the amount of \$131,766.00 to ensure the construction and completion of certain public improvements pursuant to the aforesaid approvals, and

WHEREAS, the applicant has submitted a cash bond and a check in the amount of \$131,766.00, which check the Town Attorney's Office has forwarded to the Town Finance Department and which has been deposited in the Town's escrow account, and

WHEREAS, according to the terms of Planning Board approval and the recommendation of the Town Attorney's Office, the applicant has also been required to file an agreement for granting a required easement to the Town as well as \$10,000.00 in cash to be held in escrow pending the filing of the required easement, and

WHEREAS, the applicant has forwarded to the Town Attorney's Office the agreement for granting the required easement, signed by the applicant on April 21, 2020, and a check for \$10,000.00, which check the Town Attorney's Office has forwarded to the Town Finance Department and which has been deposited in the Town's escrow account.

NOW THEREFORE BE IT RESOLVED THAT, the Town hereby formally accepts, receives and files with the Office of the Town Clerk a cash bond relating to the Maloney Minor Subdivision Plan, in the amount of \$ 131,766.00, naming the Town of Orangetown as beneficiary, to insure the completion of public improvements associated with the Maloney Minor Subdivision Plan, and said bond and cash to be returned only upon satisfactory completion of said improvements according to the terms of said Bond and Planning Board decisions #19 -51 and 20-09, any Town departments having jurisdiction thereof, and formal resolution of the Town Board; and

NOW THEREFORE BE IT FURTHER RESOLVED THAT, the Town hereby formally accepts, receives and files with the Office of the Town Clerk an agreement for granting a required easement to the Town of Orangetown, signed by Michael Maloney, and authorizes Supervisor Teresa Kenny or her designee to sign said agreement on behalf of the Town; and

NOW THEREFORE BE IT FURTHER RESOLVED THAT, the Town accepts the checks relating to the Maloney Minor Subdivision Plan in the amounts of \$131,766.00 and \$10,000.00, to be held in escrow according to the terms, respectively, of the cash bond executed by Michael Maloney on April 27, 2020 and the Agreement for Granting a Required Easement to the Town of Orangetown, signed by Michael Maloney on April 21, 2020.

8. **APPROVE / AUTHORIZE TOWN ATTORNEY / TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING 634 ROUTE 303 / TRS REALTY LLC v. TOWN, ET AL**

RESOLVED, upon the recommendation of the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign settlement documents regarding the tax certiorari proceeding TRS Realty LLC v. Town of Orangetown, et al., tax map designation 65.14-1-4 (634 Route 303) for the tax assessment years 2015-2019 for a total refund by the County of \$1,541, a total refund by the Town of \$5,037, and a total refund by the School District of \$14,456. 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 order based upon the settlement is served on the Rockland County Finance Department.

9. **APPROVE / AUTHORIZE TOWN ATTORNEY / TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING 560 BRADLEY HILL ROAD / 560 BRADLEY CORP. v. TOWN, ET AL**

RESOLVED, upon the recommendation of the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign settlement documents regarding the tax certiorari proceeding 560 Bradley Corp. v. Town of Orangetown, et al., tax map designation 65.18-1-18 (560 Bradley Hill Road) for the tax assessment years 2016-2019 for a total refund by the County of \$973, a total refund by the Town of \$3,044, and a total refund by the School District of \$8,970. 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 order based upon the settlement is served on the Rockland County Finance Department.

10. **APPROVE / AUTHORIZE TOWN ATTORNEY / TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING 628 ROUTE 303 / F.M.L. REALTY ROCKLAND, LLC v. TOWN, ET AL**

RESOLVED, upon the recommendation of the Assessor, approve and authorize Dennis D. Michaels, Deputy Town Attorney, to sign settlement documents regarding the tax certiorari proceeding F.M.L. Realty Rockland, LLC v. Town of Orangetown, et al., tax map designation 65.14-1-9 (628 Route 303) for the tax assessment years 2015-2019 for a total refund by the County of \$11,428, a total refund by the Town of \$36,595, and a total refund by the School District of \$104,157. 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 order based upon the settlement is served on the Rockland County Finance Department.

11. **ADOPTING LGS-1 RETENTION AND DISPOSITION SCHEDULE FOR NEW YORK LOCAL GOVERNMENT RECORDS**

RESOLVED, by the Town Board of the Town of Orangetown, that *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein; and

BE IT FURTHER RESOLVED, that in accordance with Article 57-A:

- (a) only those records will be disposed of that are described in *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, after they have met the minimum retention periods described therein; and
- (b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

HIGHWAY

12. **LEND ASSISTANCE / 2020 PEARL RIVER ROTARY ANNUAL JAKE AMANN FISHING CONTEST VETERANS MEMORIAL PARK**

RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby authorizes the Highway Department to lend assistance which includes use of the message board from the Highway Department, for the 36th annual Jake Amann Fishing contest to be held on Saturday, September 12, 2020 from 10 am-3 pm (rain date: September 26, 2020).

PARKS AND RECREATION

13. AWARD BID / POLICE ROOF AT TOWN HALL

WHEREAS, the Superintendent of Parks, Recreation & Building Maintenance duly advertised for sealed bids for the replacement of the Town Hall – Police Side Roof, which were received and publicly opened on July 16, 2020; a copy of the Affidavit of Publication, Notice of Posting and Bid Sheet is labeled Exhibit _____, and made a part of these minutes.

NOW, THEREFORE, BE IT RESOLVED, that this bid is hereby awarded to Barrett Inc. of Danbury, CT; the lowest qualified bidder, in the amount of \$218,500.00.

BE IT FURTHER RESOLVED, that the Supervisor or her designee is authorized to enter into an agreement with Barrett Inc., in accordance with the bid award and terms of this resolution, subject to review and approval of the Town Attorney's Office, Account #: H.1620.200.08.

POLICE

14. ACCEPT WITH REGRET / RESIGNATION/RETIREMENT / P.O. MICHAEL COUCH / EFFECTIVE AUGUST 9, 2020

RESOLVED, that upon the recommendation of the Chief of Police, accept with regret, the resignation/retirement of P. O. Michael Couch, from the Orangetown Police Department, effective August 9, 2020.

ASSESSOR

15. ADOPT / CURRENT BASE PERCENTAGES AND ADJUSTED BASE PROPORTIONS / 2020 TAX ASSESSMENT ROLL

RESOLVED, as required by NYS Real Property Law and reviewed and approved by the NYS Office of Real Property Services, the Town Board hereby adopts the Certificate of Current Homestead Base Percentages and Adjusted Base Proportions (Forms 6701 and 6703) pursuant to Article 19, Section 1903 of New York State Real Property Tax Law for the Levy of Taxes on the 2020 Assessment roll, and the Town Clerk is hereby authorized to affix Town Certification.

AUDIT

16. 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 two (2) warrants for a total of \$ 1,481,828.49 .

EXECUTIVE SESSION

17. ENTER EXECUTIVE SESSION

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

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 Bennett**, *Resident of Blauvelt*
- ❖ **Christina (Tina) Heim**, *Resident of Pearl River*
- ❖ **Janina Kozarski**, *Mother of Elizabeth Skrabonja, Curator for Exhibitions at Orangetown Museum*
- ❖ **Maria Kozarski Knight**, *Sister of Elizabeth Skrabonja , Curator for Exhibitions at Orangetown Museum*