



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday August 18, 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 / STBM OF SEPTEMBER 01, 2020 AT 6:00 P.M. / DEME 2020 BUDGET PRESENTATION TO TOWN BOARD**
- ◆ **2021 Budget Presentations for Libraries and Special Districts at the RTBM of September 1st, 2020 (Tuesday) at 7:15 P.M.**
- ◆ **September 11, 2020 (Friday) – 19th Anniversary of 9/11 – Remembrance Service at Town Hall Lawn Monument at 6:00 P.M.**
- ◆ **PUBLIC HEARING / STBM ON SATURDAY, SEPTEMBER 12, 2020 AT 8:00 A.M. / 2021 DEPARTMENT HEAD PRESENTATIONS OF BUDGET REQUESTS**

PRESENTATIONS:

- ◆ **PKF O'Connor Davies 2019 Audit Presentation**

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. **OPEN PUBLIC HEARING / RTBM AUGUST 18, 2020 AT 7:15 P.M. / PROPOSED AMENDMENT / TOWN CODE CHAPTER 39, VEHICLES & TRAFFIC ARTICLE II, TRAFFIC ADVISORY BOARD**

RESOLVED, that the Public Hearing to amend 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, is hereby opened.

PRESENTATION of Affidavit of Public Hearing posting and publication.

SUMMARY OF COMMENTS:

- 4. **CLOSE PUBLIC HEARING / RTBM OF AUGUST 18, 2020 / PROPOSED AMENDMENT / TOWN CODE CHAPTER 39, VEHICLES & TRAFFIC ARTICLE II, TRAFFIC ADVISORY BOARD**

RESOLVED, that the Public Hearing regarding the Proposed Amendment to Town Code CHAPTER 39, VEHICLES & TRAFFIC ARTICLE II, TRAFFIC ADVISORY BOARD (TAB) is hereby closed or continued to _____.

- 5. **LEAD AGENCY AND DETERMINATION OF SEQRA / AMEND TOWN CODE/ TRAFFIC ADVISORY BOARD (TAB)**

RESOLVED, that the Town Board declares itself Lead Agency in this matter, and further determines that such action is a Type II action pursuant to SEQRA, that the action will not have a significant adverse environmental impact, and, therefore, no further action is necessary with respect thereto under the State Environmental Quality Review Act.

- 6. **ADOPT LOCAL LAW ____, 2020 / TRAFFIC ADVISORY BOARD (TAB)**

RESOLVED, that the Town Board hereby adopts Local Law ____, 2020 to amend 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.

LOCAL LAW NO. ____ - 2020 OF THE TOWN OF ORANGETOWN,

PROPOSED LOCAL LAW NO. ____ OF 2020, AMENDING CHAPTER 39 (VEHICLES AND TRAFFIC), ARTICLE II (TRAFFIC ADVISORY BOARD), 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: In an effort to clarify the organization, membership and procedures, and related matters, of the Traffic Advisory Board, the Town Board finds that these amendments will formalize the customary past practice of the Traffic Advisory Board.

Section 2 – Chapter 39 (Vehicles and Traffic), Article II (Traffic Advisory Board), §39-19, of the Code of the Town of Orangetown (“Orangetown Code”), shall be amended and, as amended, shall read as follows:

§ 39-19. **Creation, organization of Board.**

A. The Town Board is hereby authorized and empowered to create a Traffic Advisory Board **(sometimes referred to herein as “TAB”)**, which shall consist of ~~five~~ **seven** members who shall be especially qualified by reason of training or experience in traffic safety, traffic engineering, community planning or other relevant business or profession, or by reason of civic interest and sound judgment.

B. The members of the Traffic Advisory Board shall be appointed by the Town Board, one of which members shall be Chairman appointed by the Town Board.

C. The Town Board may provide for compensation to be paid to ~~said~~ **the TAB** members and a secretary, and provide for such other expenses as may be necessary and proper, not exceeding in all the appropriations that may be made by the Town Board for ~~such~~ **the** Traffic Advisory Board. The Town Board is hereby authorized to make such appropriation as it may see fit for such expenses; however, such expenses shall be a charge upon the taxable property of that part of the Town outside of incorporated ~~v~~**Villages**.

D. ~~Of the members first appointed, one shall hold office for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years from and after his appointment. Their successors shall be appointed for a term of five years from and after the expiration of the terms of their predecessors in office.~~ **All TAB members shall hold office for a term of one year.** If a **TAB** vacancy shall occur otherwise than by expiration of a term, it shall be filled by the Town Board by appointment for the unexpired term **of the TAB member who created the vacancy; or, if it cannot be determined which TAB member created the vacancy, then the new member will be appointed for a term ending on December 31 of the same year that the new member is appointed.** The members of the Traffic Advisory Board shall serve at the pleasure of the Town Board.

E. Meetings of the Traffic Advisory Board shall be held at such times as the ~~Board~~ **TAB** may determine, and at such times at the call of the Chairman. ~~Three~~ **Four** members of ~~such Board~~ **the TAB** shall constitute a quorum for the transaction of business. All regular and special meetings of ~~such Board~~ **the TAB** shall be open to the public. The ~~Board~~ **TAB** shall keep minutes of its proceedings, showing the vote of each member upon any question, or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and official actions.

F. ~~Every rule, regulation, every amendment or repeal thereof, and every requirement, decision or determination of the Board shall immediately be filed in the office of the Town Clerk and shall be a public record.~~

~~G-F.~~ The Board **TAB** shall have the **advisory** power to **recommend, to the Town Board, the adoption, amendment and/or repeal of any rules and regulations or provision of the Code of the Town of Orangetown that relates to the duties of the TAB as described in §39-20 and/or §39-21 of this Chapter, which TAB advisory recommendation shall be** after a public hearing by the Traffic Advisory Board and subject to the approval of the Town Board governing its procedure and the transaction of business.

~~H-G.~~ The Chief of Police **Supervisor** of the Town of Orangetown shall designate, from his/her staff, a Clerk to the Traffic Advisory Board.

H. The TAB shall have four advisors, as follows (i) the Superintendent, or his/her designee, of the Orangetown Highway Department, (ii) the Commissioner, or his/her designee, of the Orangetown Department of Environmental Management and Engineering, (iii) the Chief of the Orangetown Police Department (“OPD”), or his/her designee, and (iv) an Orangetown Police Officer, selected by the Chief of the OPD.

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

7. OPEN 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

RESOLVED, that the public hearing is hereby opened.

PRESENTATION: Notice of Posting and Affidavit of Publication

SUMMARY OF COMMENTS:

8. CLOSE 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

RESOLVED, that the public hearing is hereby closed.

9. DESIGNATION OF LEAD AGENCY WITH RESPECT TO PROPOSED LOCAL LAW NO. ___ OF 2020, AMENDING CHAPTER 43, ARTICLE IV OF THE TOWN CODE AND DETERMINATION UNDER SEQRA

RESOLVED, that the Town Board hereby declares itself to be Lead Agency for environmental review with respect to a proposed Local Law No. ___ of 2020, amending Chapter 43, Article IV of the Town Code, entitled “Special permit uses; special findings and addition requirements and conditions for certain uses”; and further determines that such action is a Type II action pursuant to SEQRA (6 NYCRR 617.5(c)(18)(21)(25)(32) (33), that the action will not have a significant adverse environmental impact, and, therefore, no further action is necessary with respect thereto under the State Environmental Quality Review Act.

10. **ADOPT LOCAL LAW NO. _____ OF 2020, AMENDING CHAPTER 43, ARTICLE IV OF THE TOWN CODE / SECTION 4.32(Q) / SPECIAL PERMIT / TEMPORARY OUTDOOR STORAGE OF VEHICLES**

WHEREAS, in consideration of the adoption of a local law with respect to the temporary outdoor storage of vehicles, as part of the General Municipal Law Review, the Town Board has received and reviewed a letter from the Rockland County Department of Planning dated July 22, 2020 which makes two recommendations as follows:

1) Visual buffers should be provided to screen the vehicles from adjacent properties and/or County and State Highways, and

2) If a property is located within the Route 303 corridor, it must meet the requirements of the Route 303 Overlay Zone. This will insure the intent of the Overlay Zone is not undermined and that the existing buffer areas will not be filled in with stored vehicles.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby overrides comments numbered 1 and 2 from the Rockland County Department of Planning Letter dated July 22, 2020. The basis for the override is that the proposed local law permits parking in existing spaces only and any issues related to screening and/or buffers would have previously been addressed as necessary as part of any site plan approval for eligible properties, including those located in the Route 303 Overlay Zone, and

BE IT FURTHER RESOLVED, that the Town Board hereby adopts proposed Local Law No. ___ of 2020, by Amending Chapter 43 Article IV, of the Town Code by adding section 4.32(Q) which authorizes a Special Permit for the temporary outdoor storage of vehicles.

LOCAL LAW NO. _____ OF 2020 OF THE
INCORPORATED TOWN OF ORANGETOWN, NEW YORK
TOWN BOARD TO AMEND CHAPTER 43 OF THE TOWN CODE TO PROVIDE FOR A
SPECIAL PERMIT FOR TEMPORARY OUTDOOR STORAGE OF VEHICLES

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ORANGETOWN AS FOLLOWS:

Section 1.

As amended, Additions are underlined. ~~Deletions are stricken.~~ Article IV of Chapter 43 of the Town Code is amended as follows:

Article IV Special permit uses; special findings and additional requirements and conditions for certain uses.

§4.32 (Q) Temporary outdoor storage of vehicles

- i. Lots that are a size of 20 acres or more and located in the LI, LIO, LO and OP districts may apply for and receive authorization for a special permit to utilize existing excess parking spots for the temporary outdoor storage of wholesale vehicles intended for retail sales, notwithstanding the parking requirements for uses at the property, under the following terms and conditions:

- a. Notwithstanding anything to the contrary contained in §4.31, the Planning Board shall have jurisdiction to issue any special permit authorized by this section. Applicants must provide an update to a previously approved site plan and delineate the existing parking spaces intended for the storage and parking of vehicles.
- b. No additional parking spaces may be constructed, including spaces that may have been previously approved but not constructed. No additional impervious coverage is permitted.
- c. Parking calculations must be provided to demonstrate that existing conditions at the property are such that there is sufficient parking for the uses in existence at that property at the time of the application and for the duration of any permit issued hereunder. The Planning Board may consider that required parking provided for in the Code may be more than is necessary for existing tenants or potential tenants.
- d. Only wholesale vehicles intended for retail sales are permitted to be stored under this special permit. All vehicles must be mechanically operational and parked in existing designated parking spaces. No parking or storage of junk vehicles is permitted. The number of vehicles stored at any one time pursuant to a special permit issued hereunder shall be no more than fifty percent (50%) of the parking capacity for the entire property or one thousand (1,000) vehicles, whichever is less. Additionally, the applicant must demonstrate sufficient parking for all existing occupancies at the property, and any future changes in occupancies impacting parking will require review and approval by the Planning Board.
- e. Properties eligible for a special permit under this section must be a minimum of five hundred feet (500') from any residential property.
- f. Any incoming or outgoing delivery of vehicles, including loading or unloading of vehicles, must be conducted solely on the subject property and any areas for the loading or unloading of vehicles must be shown on the site plan. Incoming and outgoing deliveries, and loading and unloading of vehicles, is permitted Monday through Friday between the hours of 8:00 a.m. and 6:00 p.m. only.
- g. Permits issued under this section shall authorize storage of vehicles for a period of one year from the date of issuance, with a one-time renewal at the discretion of the Planning Board for a period of an additional year. No further special permits under this section may be authorized for the same property, regardless of a change in ownership, until the expiration of one year from the expiration date of the most recent permit and any renewal thereof. No property may receive more than three special permits as authorized by this section over a 10 year period, measured from the date of issuance of the first special permit authorizing same, whether the special permit was extended or not. This provision shall be measured from the issuance of the first special permit issued in any 10 year period and every 10 years thereafter.

- h. The Planning Board shall have the right to revoke or deny any special permit authorized pursuant to this section upon a finding that a change in occupancy of any building at the premises will result in the necessity to reduce or eliminate authorization to store vehicles pursuant to this section. The permit holder shall have a right to a hearing before the Planning Board prior to any revocation.
- i. Any violation of the terms of a special permit issued pursuant to this section shall be a violation of this section subject to penalty in accordance with Chapter 41A of the Orangetown Code.

Section 2. Severability Clause

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid parts.

Section 3. Effective Date.

This Local Law shall become effective immediately upon being filed with the Secretary of State.

11. APPROVE / RENEWAL AGREEMENT 2020-2021 / BROWN & WEINRAUB LEGISLATIVE AND REGULATORY REPRESENTATION (LOBBYIST)

WHEREAS, pursuant to Town Board resolution 2019- 349 the Town approved an Agreement for Government Relations with Brown and Weinraub, PLLC to provide legislative and regulatory representation for a monthly fee of \$4,000.00 and

WHEREAS, the term of said agreement has expired and Brown and Weinrub, LLC has proposed an agreement to continue to provide representation on behalf of the Town of Orangetown for legislative and regulatory representation for the period of August 1, 2020 through July 31, 2021 at a monthly fee of \$4000 per month;

NOW THEREFORE BE IT RESOLVED, that upon recommendation of the Supervisor and the Town Attorney, the Town Board does hereby accept the proposal from Brown and Weinraub, PLLC to provide legislative and regulatory representation to the Town for the period of August 1, 2020 through July 31, 2021 at a monthly fee of \$4000 per month and the Supervisor or her designee is authorized to execute any and all documents necessary to effectuate said agreement.

12. RESOLUTION TO HIRE PROFESSIONAL PLANNER / AKRF / POTENTIAL REDEVELOPMENT

WHEREAS, the Town Board is desirous of reviewing future development, planning and zoning with respect to the property known as HNA Palisades located at 334 Route 9W, Palisades, New York (Parcel ID: 78.13-1-1) in cooperation with the property owner, and

WHEREAS, the Town Board recognizes that in order to properly evaluate the property and plan for redevelopment, it is necessary and in the best interests of the Town to

engage the services of a professional planner in any such review and plan for redevelopment,

NOW THEREFORE BE IT RESOLVED, that Town Board finds that AKRF Environmental Planning and Engineering Consultants, White Plains, New York (AKRF) has the necessary skills, experience and expertise to assist the Town as professional planners and hereby authorizes the Town to engage the services of AKRF, not to exceed \$6,000.00, to examine the economic feasibility and environmental considerations of potential uses for the property located at 334 Route 9W, Palisades, New York and authorizes the Supervisor or her designee to execute the proposed agreement dated August 14, 2020, subject to agreement by the property owner regarding review of such redevelopment, and review and approval of the Town Attorney's Office.

13. AUTHORIZE / GYMS, FITNESS CENTERS & RECREATIONAL FACILITIES TO OPERATE OUTDOORS / ECONOMIC RECOVERY / COVID-19

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 approximately fifty-six (56) Executive Orders as part of the State of Emergency, and

WHEREAS, on March 16, 2020, the County Executive of Rockland County issued a Local State of Emergency for the County of Rockland with respect to the COVID-19 pandemic , and

WHEREAS, on March 17, 2020, the Supervisor of the Town of Orangetown issued a Local State of Emergency for the Town of Orangetown with respect to the COVID-19 pandemic, which was continued pursuant to a declaration on April 16, 2020, and

WHEREAS, the Governor of the State of New York has, through the issuance of Executive Orders, authorized the opening and continued operation of businesses in the State in Phases depending upon the nature of the business, metrics related to infections, hospitalizations and deaths related to the pandemic, and

WHEREAS, businesses, employees and residents in the Town of Orangetown, as around the State, have incurred financial hardship as a result of the pandemic and the necessity to close certain businesses and limit the workforce, and

WHEREAS, the Town of Orangetown, in an effort to assist with the economic recovery from the pandemic, and the actions that were taken in response thereto, has formed an Economic Advisory Council to assist local businesses in their efforts to re-open in accordance with directives from the Federal and State authorities in a safe and responsible manner, and

WHEREAS, the Town of Orangetown has passed a local law authorizing the Director of the Town of Orangetown's Office of Building, Zoning and Planning Administration and Enforcement ("OBZPAE"), with guidance, conditions and limitations as may be indicated by the Town Board of the Town of Orangetown ("Town Board"), to take certain actions with respect the Code of the Town of Orangetown ("Town Code") during the economic recovery from the response to the pandemic, including waiver of certain provisions of the Town Code, where appropriate, and the implementation of permitting processes related thereto,

NOW, THEREFORE, BE IT RESOLVED that the Town Board, pursuant to the authority set forth in Town Code §6-5(F), authorizes the Director of OBZPAE to waive certain

requirements of Chapter 43 (Zoning Code) of the Town Code relating to the use of existing gyms, fitness centers and recreational facilities to operate outdoors, including, but not limited to, the necessity to obtain site plan approval pursuant to Chapter 21A of the Town Code,

BE IT FURTHER RESOLVED, that the Director of OBZPAE be, and hereby is, authorized, as a matter of prosecutorial discretion, to suspend enforcement of the requirements and regulations of the Orangetown Zoning Code, and/or other land use restrictions prescribed in the Town Code, and allow and permit, in her discretion, the use of existing gyms, fitness centers and recreational facilities for outdoor activities at a lawful establishment already permitting exercise, physical fitness and recreational activities, subject to the following conditions:

1. All gyms, fitness centers and recreational facilities may seek approval to create and/or expand outdoor gym, fitness or recreational areas.
2. Subject to the approval of the proposed area layout, at the sole and absolute discretion of the Town, gyms, fitness centers and recreational facilities shall be permitted to create and/or expand outdoor areas into the and parking lot areas owned or leased by the facility, provided the owner of the property approves of same. Such areas shall be located within the property lines of the property.
3. A permit for a Temporary Outdoor Fitness or Recreational activities may be submitted and issued by the Director of OBZPAE or her designee.
4. All compulsory social distancing, and other applicable COVID-19 requirements for the operation of any business, shall be observed.
5. Prior submission to the Director of sketch plan showing the proposed location of equipment, or areas where fitness or recreational activities are intended to take place, including, but not limited to, classes, shall be indicated, as well as the areas on-site devoted to off-street parking.
6. The sketch plan, which is to be based upon a survey of the property, shall show all temporary outdoor areas, which shall be protected from vehicular traffic for occupant safety, in the judgment of the Director of OBZPAE, or her designee, and the Orangetown Fire Inspector.
7. The sketch plan shall show all items placed in the outdoor area, which shall maintain appropriate social distancing standards and requirements of re-opening as provided by the Governor's Executive Orders and directives.
8. Such sketch plan shall be signed, stamped and dated "Approved" by the Director of OBZPAE and displayed on premises during operation.
9. Temporary structures, such as tents, awnings, umbrellas and other structures, may be authorized by the Town.

10. Applicants can apply for up to 50% of their approved interior occupancy, but may be approved for a lesser amount.
11. Permits shall authorize such outdoor use of the property to December 31, 2020, and such temporary use shall not establish the right of the user or property owner to regularly, or permanently, use or occupy the property in such fashion.
12. In addition to any other remedies or penalties for failure to abide by a permit issued pursuant to this Resolution, permits are revocable by the Town Board, upon request of the Director of OBZPAE, for any failure to abide by the conditions of a permit, or if the Town Board determines that the outdoor activities are causing a public inconvenience to neighboring persons or property.
13. Any and all plans that are submitted, permits issued with respect thereto, and operations, shall be in accordance with any and all directives from the Governor regarding operations of the business pursuant to the phased re-opening requirements.

14. REINSTATE / OCTOBER 5, 2018, CONTRACT (RFP) / PROFESSIONAL MECHANICAL ENGINEERING CONSULTING SERVICES / FELLENER ENGINEERING, LLP

WHEREAS, the Director of the Office of Building, Zoning and Planning Administration and Enforcement (OBZPAE) previously (in 2018) duly advertised a Request for Proposal (RFP) for Professional Mechanical Engineering Consulting Services, which RFPs were received and publicly opened on August 3, 2018; and a copy of the Affidavit of Publication and Notice of Posting was labeled as Exhibit 09-C-18, and made a part of the Town Board Minutes and duly adopted Town Board Resolution No. 546 of September 8, 2018, which Resolution #546 of 09/08/2018 previously awarded a Professional Mechanical Engineering Consulting Services contract to Fellenzer Engineering, LLP, of 22 Mulberry Street, Middletown, NY 10940, and which contract was duly entered into and executed by Fellenzer Engineering, LLP, and the Town, on October 5, 2018, the term of which contract was August 15, 2018 through August 15, 2019 ("contract"), a copy of which contract is attached hereto, and made a part of this Resolution of August 18, 2020;

NOW, THEREFORE, BE IT RESOLVED that, upon the previous recommendation of the Zoning Board of Appeals (ZBA), and upon the recommendation of Jane Slavin, R.A., Director of OBZPAE, the contract is hereby reinstated upon all of the same provisions and conditions, except that the new Term is modified to cover the period August 18, 2020 through August 17, 2022, subject to the signed written consent and assent of Fellenzer Engineering, LLP.

TOWN ATTORNEY

15. GRANT COVENANT / HOLD HARMLESS AND INDEMNIFICATION AGREEMENT / PAUL CUSTER and FAITH SCHAUB-CUSTER, 54 SICKLETOWN ROAD, ORANGEBURG, NY, S/B/L 69.19-1-3

WHEREAS, Paul Custer and Faith Schaub-Custer, the property owners of property located at 54 Sickletown Road, Orangeburg, New York, have applied to the Town

Highway Department for permission to have fence erected on their property and upon review, a portion of which encroaches on to an existing Town right of way; and

WHEREAS, the matter has been reviewed by the Town Highway Department and the Highway Department has required that the fence may be erected provided the owners of the property provide to the Town and indemnification and hold harmless agreement,

NOW, THEREFORE, BE IT RESOLVED, that the Town hereby grants to 54 Sickletown Road, Orangeburg, NY, a revocable license, in the form of a Covenant, Hold Harmless and Indemnification Agreement, which provides in sum and substance the fence may be erected partially in the Town's right of way and the owners of the property, Paul Custer and Faith Schaub-Custer must defend, indemnify and hold harmless the Town for any damage related thereto and caused thereby, and that said structures 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.

16. **RESOLUTION TO SETTLE CLAIM USAA CASUALTY INSURANCE COMPANY v. JAMES DOHERTY AND TOWN OF ORANGETOWN**

WHEREAS, on or about March 20, 2020, a motor vehicle accident occurred whereby individual Lucas Attebery claimed that a Town of Orangetown ("Town") vehicle struck the front end of his vehicle resulting in property damage; and

WHEREAS, on or about June 1, 2020, the Town has received and been served with a Notice of Claim from USAA Casualty Insurance Company ("USAA"), on behalf of its insured, Lucas Attebery and Lawrence Blinn, for the cost of vehicle repair in the amount of \$4,116.16 as damages; and

WHEREAS, the Town investigated this claim and obtained, by referral of Gallager Bassett, a Condition Report from Property Damage Appraisers concerning the condition of the damaged vehicle and the repairs performed; and

WHEREAS, the Town has agreed to pay, subject to Town Board approval, the amount of \$3,100.00 as full and final settlement of the damages asserted in the Notice of Claim,

NOW THEREFORE BE IT RESOLVED , that the claim by USAA in the amount of \$4,116.16 shall be settled and paid by the Town in the full and final amount of \$3,100.00, 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

17. AWARD BID / ONE (1) NEW HEAVY DUTY REFUSE REAR PACKER/ GABRIELLI TRUCK

RESOLVED, upon the recommendation of the Superintendent of Highways, award the contract for the purchase of One (1) New Heavy Duty Refuse Rear Packer Truck to Gabrielli Truck, Jamaica, New York in the amount of \$235,628.00 to be charged to account # H.5130.200.08.

PARKS AND RECREATION

18. AWARD CONTRACT / BLUE HILL BUNKER RENOVATION PROJECT / BLUE HILL GOLF COURSE

WHEREAS, the Superintendent of Parks, Recreation & Building Maintenance duly advertised for sealed bids for the Blue Hill Golf Course Bunker Renovation Project, 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 U.S. Pitchcare of Northford CT; the lowest qualified bidder, in the amount of \$259,349.00.

BE IT FURTHER RESOLVED, that the Supervisor or her designee is authorized to enter into an agreement with U.S. Pitchcare, in accordance with the bid award and terms of this resolution, subject to review and approval of the Town Attorney's Office, Account #: H.7250.200.08.

POLICE

19. APPOINT / BRIAN CONNOLLY / SUPERVISOR / PARKING ENFORCEMENT / PERMANENT

RESOLVED, appoint Brian Connolly to the position of Supervisor, Parking Enforcement (P/T), permanent, from EL #19150, effective August 19, 2020, at a salary of \$30.00 per hour, which is unchanged.

20. APPOINT / JOHN MARZOLLA / PARKING ENFORCEMENT AIDE / PERMANENT

RESOLVED, appoint John Marzolla to the position of Parking Enforcement Aide (P/T), permanent, from EL #19148, effective August 19, 2020, at a salary of \$20.00 per hour, which is unchanged.

DEME

21. APPROVE CONTRACT / RAPIDVIEW, LLC / CAMERA TRUCK

WHEREAS, pursuant to General Municipal Law § 103(16), a municipality is authorized to make purchases of apparatus, materials, equipment and supplies, as required, through the use of a contract let by the United States, or any agency thereof, or any state or any other political subdivision or district therein, if such contract was let to the lowest responsible bidder or on the basis of best value, in a manner consistent with GML § 103 and specifically made available to other municipalities; and

WHEREAS, Sourcewell, formerly known as the National Joint Powers Alliance (“NJPA”), is a public entity whose creation was authorized by the State of Minnesota, pursuant to Minn. Stat. § 123A.21; and

WHEREAS, Sourcewell is permitted to engage in cooperative purchasing, pursuant to Minn. Stat. § 471.345, for supplies, materials and equipment based on sealed competitive bid, direct negotiation or best value, based on the estimated cost of the item; and

WHEREAS, the Town of Orangetown, hereafter Town, is a member agency of Sourcewell; and

WHEREAS, in or about November 16, 2017, the NJPA, now Sourcewell, issued a Request for Proposal for the procurement of Sewer Vacuum, Hydro-Excavation, and Street Sweeper Equipment, With Related Accessories and Supplies; and

WHEREAS, on December 21, 2017, the responses to the RFP were publically opened; and

WHEREAS, as a result thereof, a contract #122017-RVL was awarded to RapidView, LLC of Rochester, IN, which contract was expressly made available to member agencies, including the Town of Orangetown; and

WHEREAS, the Camera Truck, as bid, meets the specifications and needs of the Town,

NOW, THEREFORE, BE IT RESOLVED , that the Town Board hereby authorizes the purchase of a RapidView IBAK Camera Truck mounted on a Ford E-450 Chassis from RapidView, LLC., through their regional sales representative, Jack Doheny Company, under NJPA Contract #122017RVL, at a total cost of Two Hundred Thirty-Two Thousand, One Hundred Sixty-Seven and 92/100 Dollars (\$232,167.92), and further authorizes the Supervisor, Commissioner of DEME and Director of Finance to take such further action, and to execute such further documents, as may be necessary to effectuate such purchase.

PERSONNEL

22. NOMINATE MATTHEW LENIHAN / INFORMATION & EQUIPMENT SPECIALIST (NETWORK SYSTEM)

RESOLVED, nominate Matthew Lenihan to the position of Information Services & Equipment Specialist (Networked System) from EL#20017, effective 8/19/2020, for the purpose of sitting for the practical portion of the exam.

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 two (2) warrants for a total of \$ 669,801.69.

EXECUTIVE SESSION

24. 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.

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:

- ❖ **George J. Ferrone**, *Resident of Pearl River*
- ❖ **Matthew Kroenung**, *Resident of Pearl River*
- ❖ **Michael Mazur**, *Former Resident of Pearl River, PRHS Class of 1984, Pearl River Sports Hall of Fame in 2008*
- ❖ **Noel O'Connell**, *Resident of Pearl River*
- ❖ **Eugene Sullivan**, *Brother of Orangetown Police Lieutenant James Sullivan and Uncle of Orangetown Police Detective Matthew Sullivan*
- ❖ **Donald Vernon**, *Resident of Grand View-on-Hudson*