

**TOWN OF ORANGETOWN
WORKSHOP
TUESDAY, SEPTEMBER 5, 2017**

This Workshop Meeting was opened at 8:00 p.m. Supervisor Stewart presided and the Deputy Clerk called the roll.

Present were: Councilman Denis Troy
Councilman Thomas Diviny
Councilman Gerald Bottari
Councilman Paul Valentine
Supervisor Andrew Stewart

Also present: Geraldine Orlik, Deputy Clerk
John Edwards, Town Attorney
Teresa Kenny, Deputy Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
Joseph Moran, Commissioner of DEME
Brian Kenney, Assessor
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.
Kevin Nulty, Police Chief

Pledge of Allegiance to the Flag of the United States of America: Town Board

Brian Kenney, Assessor, and Bill Beckmann, Beckmann Appraisals – The NYS Office of Real Property Tax Services (ORPTS) is statutorily obligated to administer an equalization program in order to assure equitable property tax allocation and to insure the proper allocation of State Aid to Education funds. Taxing jurisdictions, such as most school districts, do not share the same taxing boundaries as the cities and towns that are responsible for assessing properties. An Equalization Rate is the ratio of total assessed value to the municipality's total market value. There would be no need for equalization if all municipalities assessed all property at 100% of market value every year. ORPTS uses its own independent estimate of total market value to compare to the total assessed value. We have school districts that circumvent towns. For many years Orangetown and Clarkstown, thru the sales of residential property, the Equalization Rate has remained similar. This year the State decided that the homes in Orangetown were 5% more valuable than the same kind of homes in Clarkstown. Orangetown was going to pay a much larger share of the Nanuet School budget than they had paid for many prior years. Initially, the rate was going to increase 14.38% for the Nanuet Schools and 8.7% for the Nyack Schools. After reviewing the same data the State used, it was discovered, they discounted the sale of the Pfizer property completely. We convinced the State to use the Pfizer sale as part of their calculations. Our tentative equalization rate was 44% and with this change it is now 47.25%. Taxpayers in the Nanuet School District are saving \$650.00 and Nyack School District taxpayers are saving \$500.00. The Town must stay proactive and we recommend new legislation: no special legislation for only one town; Equalization Rate cap; lower limits for Base Proportions; trend the entire County (not just a town) and bring back the tax exempt program of staying under the cap.

Mark Cygielman, Rockland Paramedics; Peter Romisher, South Orangetown Ambulance Corp; and Joseph Moran, Commissioner of DEME presented their 2018 Budget requests.

RESOLUTION NO. 450

**2017 SCHOOL TAX COLLECTION
CLOSEOUT PROCEDURES**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Valentine and was unanimously adopted:

WHEREAS the Receiver of Taxes of the Town of Orangetown has been on medical leave since January 2017 and remains so; and

RESOLUTION NO. 450 - Continued

WHEREAS, the Office of the Receiver of the Town of Orangetown is required to follow School Tax Collection Closeout procedures, required to be completed and delivered to the school districts within the ascribed time frame; and

WHEREAS, the closeout requires, at a minimum, final reconciliation of funds received and disbursed; Closing statement with corrections, paid/unpaid, and roll book included; final sign-off by the Receiver, who turns the collection over to the school districts; and final transfer to the Town of any collection fee(s); and

WHEREAS, financial best practices involves a segregation of duties and responsibilities, the involvement of the Director of Finance in the final closeout may be perceived as a lack of internal accounting controls, therefore be it

RESOLVED, that the Town Board hereby authorizes Jeffrey Bencik, Director of Finance, and his department to complete the final closeout of the 2017 School Tax Collection as prescribed by the Rockland County Receiver.

Ayes: Supervisor Stewart
Councilpersons Valentine, Troy, Diviny, Bottari
Noes: None

RESOLUTION NO. 451

**AGREEMENT/NY POWER AUTHORITY
LED STREET LIGHT CONVERSION**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Valentine and was unanimously adopted:

WHEREAS the Town of Orangetown has contracted with the NY Power Authority (NYPA) to manage the conversion of street lights, to be purchased by the Town of Orangetown; and

WHEREAS, as a result of a competitive procurement process, NYPA has recommended accepting bids from All Bright Electric for labor at a cost of \$412,204.40 and with Aery Lighting for LeoTek fixtures with Acuity Controls, in the amount of \$333,148.65; and

WHEREAS, as a result of the same said process NYPA has further recommended that the Town enter in to a 10-year service contract with All Bright Electric at a cost of \$214,000 to be paid over the course of the contract in equal installments; and

WHEREAS, in order complete the transaction, the Town must enter into Customer Installation Commitment (CIC) with NYPA, for the purchase and installation of LED street light fixtures and accessories, for a total project cost of \$2,056,552.01, which includes purchase cost of fixtures from ORU, the purchase of replacements and installation of LED fixtures and accessories, consultant services, and related costs; now, therefore, be it

RESOLVED, the TB accepts NYPA’s recommendations and authorizes the Supervisor to sign and execute the CIC and related documents as may be necessary, subject to review by the Town Attorney and the Director of Finance.

Ayes: Supervisor Stewart
Councilpersons Valentine, Troy, Diviny, Bottari
Noes: None

RESOLUTION NO. 452

**CLOSING DOCUMENTS/STREET
LIGHTS/ORANGE & ROCKLAND**

Councilman Bottari offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

RESOLUTION NO. 452 - Continued

WHEREAS, the Town of Orangetown has agreed to purchase its street lights from Orange and Rockland Utilities, Inc. (ORU); and

WHEREAS, in order to complete the transaction additional documentation may be required to be provided to ORU per the attached checklist;

WHEREAS, ORU has proposed closing by the end of September, 2017, coinciding with the start of the LED conversion (contracted through the NY Power Authority and its project manager); therefore be it

RESOLVED that the Town Board hereby authorizes the Supervisor or his designee to sign and execute any contracts and/or agreements required to facilitate closing with ORU, upon review and approval of the Town Attorney.

Ayes: Councilpersons Bottari, Troy, Diviny, Valentine
Supervisor Stewart

Noes: None

RESOLUTION NO. 453

**AGREEMENT/VEGETATION
MANAGEMENT/J.B. CLARKE RAIL
TRAIL (DELONGIS SECTION)
ORANGE & ROCKLAND**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

WHEREAS, the Town of Orangetown has been negotiating with Orange and Rockland Utilities, Inc. (ORU) a plan for vegetation management along the DeLongis Court section of the J.B. Clarke Rails Trail so as to minimize the impact on homeowners and on park users; and

WHEREAS, ORU’s vegetation plan requires the removal of approximately 1600 feet of plantings which serve as a buffer between homeowners and trail users; and

WHEREAS, in light of the added cost to the Town to restore the buffer, between the Rail Trail and homes along this section of the trail, ORU has offered to contribute \$50,000 to the Town to offset a portion of the cost per an agreement reviewed by the Town Attorney; therefore be it

RESOLVED, that upon the recommendation of the Town Attorney, the Town of Orangetown hereby accepts, with gratitude, the contribution from ORU of \$50,000 and authorizes the Supervisor to sign said agreement and any accompanying paperwork required to execute.

Ayes: Supervisor Stewart
Councilpersons Troy, Diviny, Valentine, Bottari

Noes: None

RESOLUTION NO. 454

**EXTENSION/ ACCESS AGREEMENT
JPM CHASE / RPC PARCEL**

Councilman Diviny offered the following resolution, which was seconded by Councilman Bottari and was unanimously adopted:

WHEREAS, by Resolution No. 61 of 2017, the Town Board authorized the Supervisor to execute an Access Agreement with JPMorgan Chase (“JPMC”), effective 2/17/17 through 6/1/17 (the “Agreement”), allowing JPMC to access Town owned lands and structures, at the Rockland Psychiatric Center, for the purpose of conducting a due diligence review relevant to its contemplated purchase of such lands, for eventual development and use as a data center; and

WHEREAS, by Resolution No. 287 of 2017, the said Agreement was extended, on the same terms and conditions, through and including September 1, 2017; and

RESOLUTION NO. 454 - Continued

WHEREAS, JPMC has advised that a further extension of the Agreement is required, as the parties work with each other and the State of New York, acting through the Office of Mental Health and other State agencies to finalize the various documents and agreements necessary to close title,

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Supervisor, or his designated representative, to execute a letter agreement on behalf of the Town, extending the Agreement, on the same terms and conditions, through September 30, 2017, subject to evidence of continuing insurance coverage as required under the Agreement, such coverage naming the Town, its officers, employees and agents as “additional named insured” under the General Liability (and excess) insurance policies of JPM Chase and its contractors and subcontractors.

Ayes: Councilpersons Diviny, Bottari, Troy, Valentine
Supervisor Stewart

Noes: None

RESOLUTION NO. 455

**APPOINT CAITLYNN MORRISON
SENIOR CLERK (LESS-THAN
FULL-TIME) (PROVISIONAL)**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED, that upon the recommendation of the Town Supervisor, the Town Board creates the position of Senior Clerk (LFT) and appoints Caitlynn Morrison to the position of Senior Clerk (LFT) (provisional), CSEA Grade 5, Step 1, at a pro-rated salary of \$33,474.00, effective September 6, 2017.

Ayes: Supervisor Stewart
Councilpersons Diviny, Troy, Valentine, Bottari

Noes: None

RESOLUTION NO. 456

AGENDA ITEMS / DISCUSSED

Councilman Valentine offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

RESOLVED, the Town Board discussed and reviewed Agenda items, 6 thru 25.

Ayes: Councilpersons Valentine, Troy, Diviny, Bottari
Supervisor Stewart

Noes: None

RESOLUTION NO. 457

**ENTERED EXECUTIVE SESSION
CSEA CONTRACT**

In attendance, at this Executive Session, were Supervisor Stewart, Councilpersons Troy, Diviny, Valentine and Bottari, John Edwards and Teresa Kenny.

Supervisor Stewart offered the following resolution, which was seconded by Councilman Diviny and was unanimously adopted:

RESOLVED, at 9:36 p.m., the Town Board entered Executive Session to discuss the CSEA contract. Supervisor Stewart said no further votes will be taken.

Ayes: Supervisor Stewart
Councilpersons Diviny, Troy, Valentine, Bottari

Noes: None

RESOLUTION NO. 458

**RE-ENTERED WORKSHOP AND
ADJOURNED**

Councilman Diviny offered the following resolution, which was seconded by Councilman Valentine and was unanimously adopted:

RESOLVED, at 10:03 p.m., the Town Board re-entered the Workshop and adjourned.

Ayes: Councilpersons Diviny, Valentine, Troy, Bottari
Supervisor Stewart

Noes: None

Geraldine Orlik, Deputy Clerk