



**TOWN OF ORANGETOWN TOWN BOARD MEETING**

**Tuesday November 10, 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:**

- ◆ **Sign Law Update**
- ◆ **The Town of Orangetown and Veterans Angels of Hope are sponsoring Free Thanksgiving Dinner Bags for Military and Veteran Families. Turkey dinners will be distributed on Saturday, November 21st from 10 am - 12 pm at Town Hall. Please visit our website [orangetown.com](http://orangetown.com) for more information or contact the Supervisor's office if you want to provide financial assistance or donate a frozen turkey at 845-359-5100 x 2293.**

**PRESENTATIONS:**

- ☛ **Veterans Day Poem entitled *Veterans Day – 2020*, composed by Ms. Rose Marie Raccioppi, Orangetown Poet Laureate and read by Michael Lawler, Assemblyman-Elect.**

**DISCUSSION: WORKSHOP OF AGENDA ITEMS**

**PUBLIC COMMENT:**

**1. OPEN PUBLIC COMMENT PORTION**

**RESOLVED**, that the public portion is hereby opened.

Summary of Public Comments:

**2. CLOSE PUBLIC COMMENT PORTION**

**RESOLVED**, that the public portion is hereby closed.

**AGENDA ITEMS:**

**TOWN BOARD**

**3. CONTINUATION OF PUBLIC HEARING / RTBM OF NOVEMBER 10, 2020 AT 7:15 P.M. / 2021 PRELIMINARY BUDGET**

**RESOLVED**, that the continuation of the public hearing regarding the 2021 Preliminary Budget is hereby continued.

Summary of Public Comments:

**4. CLOSE PUBLIC HEARING / 2021 PRELIMINARY BUDGET**

**RESOLVED**, that the public hearing regarding the 2021 Preliminary Budget is hereby closed.

**5. APPROVE AMENDMENTS / 2021 PRELIMINARY BUDGET**

Note: Vote on amendments to the 2021 Preliminary Budget.

See Attached Schedule.

**6. ADOPT / 2021 PRELIMINARY BUDGET AS AMENDED**

**RESOLVED**, that the Town Board hereby adopts the 2021 Preliminary Budget, as amended, as the 2021 Final Budget.

**BE IT FURTHER RESOLVED**, the Director of Finance is authorized to adjust the fund balance to accommodate these changes, all the while staying under the levy cap limit.

**BE IT FURTHER RESOLVED**, the Director of Finance is authorized to make the 2021 Final Budget available on the Town's website and file it in the Office of the Town Clerk.

**7. CONTINUATION OF PUBLIC HEARING / RTBM OF NOVEMBER 10, 2020 AT 7:25 P.M. / BLAUVELT FIRE PROTECTION DISTRICT/ ONE YEAR CONTRACT / BLAUVELT VOLUNTEER FIRE COMPANY, INC. / CALENDAR YEAR 2021**

**RESOLVED**, that the public hearing on the proposed Contract between the Town of Orangetown and the Blauvelt Volunteer Fire Company, Inc. for fire protection services in and throughout the Blauvelt Fire Protection District, within the Town of Orangetown, for the calendar 2021, is hereby continued.

Summary of Public Comments:

8. **CLOSE PUBLIC HEARING / BLAUVELT FIRE PROTECTION DISTRICT/ ONE YEAR CONTRACT / BLAUVELT VOLUNTEER FIRE COMPANY, INC. / CALENDAR YEAR 2021**

**RESOLVED**, that the public hearing on the proposed Contract between the Town of Orangetown and the Blauvelt Volunteer Fire Company, Inc., for fire protection services in and throughout the Blauvelt Fire Protection District within the Town of Orangetown for calendar year 2021, is hereby closed.

9. **APPROVE / ONE YEAR CONTRACT / FIRE PROTECTION SERVICES / BLAUVELT FIRE PROTECTION DISTRICT / BLAUVELT VOLUNTEER FIRE COMPANY, INC.**

**RESOLVED**, that the Town Board hereby approves a ONE (1) year contract with the Blauvelt Volunteer Fire Company, Inc. for fire protection services in and throughout the Blauvelt Fire Protection District for calendar year 2021, in the sum of Six Hundred Thirty Four Thousand AND 00/100 (\$634,000.00) DOLLARS, including Workers Compensation insurance and otherwise in accordance with the terms of the Contract incorporated herein by reference.

10. **CONTINUATION OF PUBLIC HEARING AT 7:30 P.M. / ONE YEAR CONTRACT / ORANGETOWN LIBRARY DISTRICT / CONTRACTS WITH THE BLAUVELT FREE LIBRARY, THE ORANGEBURG LIBRARY, THE PALISADES FREE LIBRARY AND THE TAPPAN FREE LIBRARY / FOR CALENDAR YEAR 2021**

**RESOLVED**, that the public hearing on the proposed Contracts between the Town and the Blauvelt Free Library, the Orangeburg Library, the Palisades Free Library, and the Tappan Free Library for library services in and throughout the boundaries of their district contained in the Orangetown Library District (and including the residents of Sparkill, as delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012) within the Town of Orangetown for calendar year 2021, is hereby continued.

Summary of Public Comments:

11. **CLOSE PUBLIC HEARING / ONE YEAR CONTRACT / ORANGETOWN LIBRARY DISTRICT / CONTRACTS WITH THE BLAUVELT FREE LIBRARY, THE ORANGEBURG LIBRARY, THE PALISADES FREE LIBRARY AND THE TAPPAN FREE LIBRARY / CALENDAR 2021**

**RESOLVED**, that the public hearing on the proposed Contracts, between the Town of Orangetown and the Blauvelt Free Library, the Orangeburg Library, the Palisades Free Library and the Tappan Free Library, for library services in and throughout the boundaries of their district within the Orangetown Library District (and including the residents of Sparkill as delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012) for calendar year 2021 is hereby closed.

12. **APPROVE / ONE YEAR CONTRACT FOR LIBRARY SERVICES /ORANGETOWN LIBRARY DISTRICT / CONTRACTS WITH THE BLAUVELT FREE LIBRARY, THE ORANGEBURG LIBRARY, THE PALISADES FREE LIBRARY AND THE TAPPAN FREE LIBRARY**

**RESOLVED**, that the Town Board hereby approves a ONE (1) Year Contract with the Blauvelt Free Library, the Orangeburg Library, the Palisades Free Library and the Tappan Free Library, for library services in and throughout the boundaries of their district as set forth within the Orangetown Library District (and including the residents of Sparkill as delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012) in the Town for calendar year 2021, as follows:

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a ONE (1) year contract, on behalf of the Town, as proposed and written, for Seven Hundred Thousand Three Hundred Ninety Two AND 00/100 (\$700,392.00) DOLLARS, with the Blauvelt Free Library to provide library services to residents of Blauvelt, as well as to the residents of the Sparkill area delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012, within the Town, and otherwise in accordance with the terms of a contract incorporated herein by reference.

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a ONE (1) year contract, on behalf of the Town, as proposed and written, for Five Hundred Seventy One Thousand Two Hundred AND 00/100 (\$571,200.00) DOLLARS, with the Orangeburg Library to provide library services to residents of Orangeburg, as well as to the residents of the Sparkill area delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012, within the Town, and otherwise in accordance with the terms of a contract incorporated herein by reference.

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a ONE (1) year contract, on behalf of the Town, as proposed and written, for Three Hundred Eight One Thousand Seven Hundred Sixty Eight AND 00/100 (\$381,768.00) DOLLARS, with the Palisades Free Library to provide library services to residents of Palisades, as well as to the residents of the Sparkill area delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012, within the Town, and otherwise in accordance with the terms of a contract incorporated herein by reference.

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a ONE (1) year contract, on behalf of the Town, as proposed and written, for Seven Hundred Sixteen Thousand Three Hundred Eighty Seven AND 00/100 (\$716,387.00) DOLLARS, with the Tappan Free Library to provide library services to residents of Tappan, as well as to the residents of the Sparkill area delineated in subdivision (e) of Section 1 of Chapter 494 of the Laws of 2012, within the Town, and otherwise in accordance with the terms of a contract incorporated herein by reference.

**13. AUTHORIZE ISSUANCE OF RFP FOR PLANNER FOR TOWN COMPREHENSIVE PLAN**

**WHEREAS**, the Town of Orangetown finds that it is in the best interests of the residents of the Town to update the existing 2003 Town of Orangetown Comprehensive Plan to assist in the regulation of land use for the purpose of protecting public health, safety and the general welfare of its citizens, pursuant to New York Town Law §272-a,

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby authorizes the Town Clerk to issue, to the general public a Request for Proposals for the purpose of receiving proposals from qualified Engineering, Architectural and/or Planning firms having experience and certifications in Planning, Land Use, and Zoning related services for the preparation of a Town Comprehensive Plan; with Proposals to be received until Thursday, December 17, 2020 10:30 AM, as set forth more fully in the Request for Proposals.

**14. AMEND RESOLUTION 2019-136 / RETAIN DICHTER LAW FOR JOINT REPRESENTATION OF TOWN'S INTERESTS / 2019 SUEZ RATE CASE**

**WHEREAS**, pursuant to Resolution 2019-136 the Town Board authorized the Town Supervisor to engage the services of Dichter Law, LLC in the cost of legal representation before the NYS Public Service Commission to contest the proposed rate increase sought by Suez Water New York, for a proportional share with neighboring municipalities with a maximum cost of \$12,000.00,

**NOW THEREFORE BE IT RESOLVED**, that the Town Board authorizes additional payments based upon work necessary to be performed by Dichter Law, LLC in the matter, in the total amount of \$14,760.86 for Orangetown's proportional share.

**TOWN ATTORNEY**

**15. APPROVE RETAINER AGREEMENT WITH HODGES, WALSH AND BURKE, IN CONNECTION WITH FEDERAL LITIGATION**

**RESOLVED**, on the recommendation of the Town Attorney, approve the retainer of Hodges, Walsh & Burke, LLP to represent the Town and Police Officer Shane Curran, as defendants, in connection with a federal lawsuit filed in the Southern District of New York, under docket 20 CIV. 5444, entitled *Donald Content v. Police Officer Shane M. Curran, et al*, on the terms and conditions set forth in a proposed Engagement Letter, incorporated by reference herein, and authorize the Supervisor, or her designated representative, to execute a copy thereof.

**16. SETTLE CLAIM / JOHN LOUIS KELLY AS TRUSTEE OF THE JW ROCKLAND (2018) TRUST AND ROSELE (2016) LIMITED PARTNERSHIP V. TOWN OF ORANGETOWN**

**WHEREAS**, on or about September 9, 2018, a sewer back up caused a blockage in the lateral sewer line of the property located at 1/1A Century Road, Palisades, New York; and

**WHEREAS**, on or about October 2, 2018, the Town has received and been served with a Notice of Claim from John T. White on behalf of Rosele (2016) Limited Partnership

and John Louis Kelly as Trustee of the JW Rockland (2018) Trust, for the cost of repair in the amount of \$28,262.23 as damages; and

**WHEREAS**, the Town investigated this claim and assessed the damages alleged in the Notice of Claim; and

**WHEREAS**, the Town has agreed to pay, subject to Town Board approval, the amount of \$18,000.00 as full and final settlement of the damages asserted in the Notice of Claim,

**NOW THEREFORE BE IT RESOLVED**, that the claim by John Louis Kelly as Trustee of the JW Rockland (2018) Trust and Rosele (2016) Limited Partnership shall be settled and paid by the Town in the full and final amount of \$18,000.00, and

**BE IT FURTHER RESOLVED**, that the Supervisor or her designee is authorized to execute any and all legal documents, if any, in order to effectuate the enforcement of this resolution.

## **HIGHWAY**

### **17. AWARD BID / SUFFOLK COUNTY BRAKE SERVICE/ TWO (2) NEW YARD WASTE MACHINES LEAF LOADERS**

**RESOLVED**, upon the recommendation of the Superintendent of Highways, award the bid for Two (2) New Yard Waste Machines/ Leaf Loaders to Suffolk County Brake Service, Bohemia, New York in the amount of \$123,422.00 to be charged to account # H.5130.200.08.

## **POLICE**

### **18. AMEND RESOLUTION NO. 453 OF OCTOBER 06, 2020 AND NOMINATE JASON ZELENKA FROM EL# 19007**

**RESOLVED**, amend Resolution No. 453 from October 6, 2020 and nominate Jason Zelenka from EL#65-590/1900 to the position of Police Radio Dispatcher (CAD) for the purpose of scheduling the practical portion of the exam.

## **TOWN CLERK**

### **19. ACCEPT / RECEIVE / FILE DOCUMENTS/TOWN CLERK'S OFFICE**

**RESOLVED** that the following documents are accepted, received and filed in the Town Clerk's Office:

1. Town Board Meeting minutes: 9/22/2020, 10/6/2020, 10/20/2020 Regular Town Board Meeting; 10/1/2020 Special Town Board Meeting; and 10/6/2020 Police Commission Meeting.
2. Drainage Easement from Patricia Scifo-Waffenschmidt (Rockland County Instr #2020-00024725).

3. Notice of Appropriation from the DOT (PIN 8813.18.221) regarding property in Piermont.
4. Agreement w/ AKRF, Environmental, Planning, and Engineering Consultants, future development plans of the HNA Palisades Premier Conference Center.
5. Agreement w/CGI Communications Inc for the 2020 Community Video Program.
6. Agreement w/Brown-Weinraub, 9/1/2020 – 8/31/2021 for Legislative & Regulatory Representation.
7. Revocable License Agreement w/Blauvelt / Cub Scout & Boy Scout Troop 55 for use of the Town's soccer complex to hold their meetings.

## **AUDIT**

### **20. 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 three (3) warrants for a total of \$1,655,236.06.

## **EXECUTIVE SESSION**

### **21. ENTER EXECUTIVE SESSION**

**RESOLVED**, at \_\_\_\_ pm, the Town Board entered Executive Session to consult with counsel on legal matters.

## **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:

- ❖ **Bryan Farrar**, *Resident of Blauvelt*
- ❖ **Michael Howard**, *Resident of Pearl River*
- ❖ **Mary Meehan**, *Resident of Pearl River*
- ❖ **Mary Parnow**, *Mother of Chuck Parnow, President of AOH, Division 3*
- ❖ **Francis Slayne**, *Resident of Pearl River*