



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday December 15, 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:

- ◆ We would like to honor our young volunteers at the Blauvelt Hot Cocoa for Heroes Stand for their efforts in raising over \$3,000.00 for the Rockland Homes for Heroes:
 - ◆ Madelyn Troy
 - ◆ Arturo Garcia
 - ◆ Brendan Troy
 - ◆ Brayden Garcia
 - ◆ Kieran Troy
 - ◆ Lily Garcia

PRESENTATIONS:

- ◆ Supervisor Teresa M. Kenny to present the dedication of Valentine Avenue as "Reverend Doctor Louis Sanders Way."
- ◆ Lothrop Associates, the architects for the new Town Hall, to discuss the status of the project.

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. **OPEN PUBLIC HEARING / RTBM OF DECEMBER 15, 2020 AT 7:15 P.M. / PROPOSED LOCAL LAW TO AMEND LOCAL LAW NO. 2 OF 1994 / (CHAPTER 15, SECTION 15-13)**

RESOLVED that the Public Hearing to consider a proposed Local Law amending Local Law No. 2 of 1994 (Town Code, Chapter 15, Section 15-13 entitled "Certificate of Compliance Required") is hereby opened.

PRESENTATION: Notice of Posting and Affidavit of Public

Hearing Summary of Comments:

4. **CLOSE PUBLIC HEARING / PROPOSED LOCAL LAW TO AMEND LOCAL LAW NO. 2 OF 1994 / (CHAPTER 15, SECTION 15-13)**

RESOLVED that the Public Hearing to consider a proposed Local Law amending Local Law No. 2 of 1994 (Town Code, Chapter 15, Section 15-13 entitled "Certificate of Compliance Required") is hereby closed.

5. **ADOPT PROPOSED LOCAL LAW TO AMEND LOCAL LAW NO. 2 OF 1994 / (TOWN CODE CHAPTER 15, SECTION 15-13)**

WHEREAS, Town Code Section 15-13 entitled "Certificate of Compliance Required" contains an exemption from the requirement of a certificate of compliance issued by the Bureau of Fire Prevention for not-for-profit organizations.

BE IT RESOLVED that the Town Board hereby removes the exemption for not-for-profit entities; and finds that a Certificate of Compliance to ensure compliance with all requirements of the Town Code and the New York State Uniform Fire Prevention and Building Code shall be required for all uses and occupancies of property other than one and two-family dwellings.

LOCAL LAW NO. ___ OF 2020
AMENDING CHAPTER 15 OF THE TOWN CODE ARTICLE II, SECTION 15-13 TO
PROVIDE FOR A CERTIFICATE OF COMPLIANCE FOR NOT-FOR-PROFIT
ORGANIZATIONS

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

As amended, ~~Deletions are stricken.~~ The said section of the Code is amended as follows:

Be it enacted by the Town Board of the Town of Orangetown that Local Law Number 11 of 1991 (Chapter 15, Article II of the Code of the Town of Orangetown entitled "Inspections, Fees and Certificates of Compliance", Section 15-13 entitled "Certificate of Compliance required" (as previously amended on 03-28-1994 by Local Law No. 2 of 1994) is hereby amended as follows by deleting the language that is stricken through:

A certificate of compliance to ensure compliance with all requirements of this Code and the New York State Uniform Fire Prevention and Building Code shall be required for all uses and occupancies of property other than one- and two-family dwellings ~~and not for profit organizations~~. Such certificate shall not take the place of any other permit or certificate required by law. Said certificate shall not be transferable, and any change in the use or occupancy of the subject premises shall require a new certificate.

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

6. **AMEND TOWN CODE, CHAPTER 15, ARTICLE II, SECTION 15-17; FEES FOR CERTIFICATE OF COMPLIANCE**

WHEREAS, Town Code §15-17(A) authorizes the Town Board to change by resolution the fees for certificates of compliance for new or changed uses and inspection fees payable for the various specific uses subject to inspection by the Chief of the Bureau of Fire Prevention and/or Assistant Fire Inspector,

BE IT RESOLVED that the fee for Multiple Residence (R occupancy) shall be \$49.00 for three (3) living units, and an additional \$16.00 for each additional living unit,

BE IT RESOLVED that the fee for B Business (Office) and M Mercantile (Retail) is \$55.00 biennially for 1 square foot to 2,500 square feet; and that the fee for Business (Office) and Mercantile (Retail) shall follow the same fee schedule as Industrial/Storage/Institutional for over 5,000 square feet set forth hereafter,

BE IT FURTHER RESOLVED THAT the fees for F or H Industrial, S Storage and I Institutional, shall be as follows:

Gross Square Footage	Fee
1 – 5000	\$ 125.00
5,001 – 10,000	\$ 345.00
10,001 – 25,000	\$ 620.00
25,001 – 50,000	\$ 895.00
50,001 – 75,000	\$ 1,170.00
75,001 – 100,000	\$ 1,445.00
100,001 – 125,000	\$ 1,720.00
125,001 – 150,000	\$ 1,995.00
150,001 – 175,000	\$ 2,270.00
175,001 – 200,000	\$ 2,570.00
200,001 – 250,000	\$ 2,820.00
250,001 – 300,000	\$ 3,095.00
300,001 – 350,000	\$ 3,370.00
350,001 – 400,000	\$ 3,645.00
400,001 – 450,000	\$ 3,920.00
450,001 – 500,000	\$ 4,195.00
500,001 – 550,000	\$ 4,470.00
550,001 – 600,000	\$ 4,745.00
600,001 – 650,000	\$ 5,020.00
650,001 – 700,000	\$ 5,295.00
700,001 – 750,000	\$ 5,570.00
750,001 – 850,000	\$ 5,845.00
850,001 – 950,000	\$ 6,120.00
950,001 +	\$ 6,395.00

BE IT FURTHER RESOLVED THAT the fees for A1 through A5 Place of Assembly shall be:

Capacity of Persons	Fee
1–50	\$125.00
51 – 100	\$152.50
101 – 300	\$180.00
301+	\$180.00 plus \$0.75 per person over 300 persons

BE IT RESOLVED THAT the fees set forth hereinabove shall be effective on January 1, 2021.

7. **APPROVE / 2021 CALENDARS / POLICE COMMISSION MEETINGS / REGULAR TOWN BOARD MEETINGS**

RESOLVED, that the following 2021 Town Board Meeting Calendar is hereby approved:

01/05/21 Re-Organizational Meeting/Regular Town Board Meeting
01/19/21 Police Commission/Regular Town Board Meeting
02/09/21 Police Commission/Regular Town Board Meeting
02/23/21 Regular Town Board Meeting
03/09/21 Police Commission/Regular Town Board Meeting
03/23/21 Regular Town Board Meeting
04/13/21 Police Commission/Regular Town Board Meeting
04/27/21 Regular Town Board Meeting
05/11/21 Police Commission/Regular Town Board Meeting
05/25/21 Regular Town Board Meeting
06/08/21 Police Commission/Regular Town Board Meeting
06/22/21 Regular Town Board Meeting
07/13/21 Police Commission/Regular Town Board Meeting
07/27/21 Regular Town Board Meeting
08/10/21 Police Commission/Regular Town Board Meeting
08/24/21 Regular Town Board Meeting
09/14/21 Police Commission/Regular Town Board Meeting
09/28/21 Regular Town Board Meeting
10/12/21 Police Commission/Regular Town Board Meeting
10/26/21 Regular Town Board Meeting
11/09/21 Police Commission/Regular Town Board Meeting
11/30/21 Regular Town Board Meeting
12/14/21 Police Commission/Regular Town Board Meeting

Police Commission Meetings start at 6:30 pm; Town Board Meetings begin at 7:00 pm.

8. **APPROVE / AMEND RESOLUTION 2020-344 / ZARIN & STEINMETZ / EXTEND CAP TO \$30,000 / REDEVELOPMENT OF HNA PALISADES**

WHEREAS, pursuant to Town Board Resolution No. 2020-344, the Town Board authorized entering into an agreement with Zarin & Steinmetz to provide professional legal services related to the potential redevelopment and zoning of the property known as HNA Palisades, and

WHEREAS, in the aforesaid Resolution, the Town Board placed a cap on the legal services at \$15,000.000, which cap is about to be exceeded due to the extent and nature of the work performed to date, and

WHEREAS, the Town Board in its discretion finds it is in the best interests of the Town to extend the cap by an additional \$15,000.00 to cover additional expected work with respect to the matter,

NOW THEREFORE BE IT RESOLVED, that Town Board hereby amends Resolution 2020-344 by extending the cap on funds to be paid to Zarin & Steinmetz by \$15,000.00, for a total of \$30,000.00 and authorizes the Finance Director to

make payments, upon review and approval of the Supervisor and Town Attorney, in accordance with the terms of this resolution.

9. **RESOLUTION TO APPROVE FEE SCHEDULE / FILMING ON PRIVATE PROPERTY FILM / TV SHOOT / COMMERCIAL (PREP/WRAP/FILM DAY) / CHAPTER 14C OF THE TOWN CODE REGARDING COMMERCIAL FILMING**

RESOLVED, that the Town Board hereby approves the following fee schedule filming on Private Property Film/TV Shoot/Commercial (Prep/Wrap/Film Day) under Chapter 14C of the town code regarding commercial filming in the Town of Orangetown:

Film/TV/Shoot, Prep & Wrap days:

FILMING HOURS: Monday – Friday 8:00 a.m. – 7:00 p.m.

- ◆ 1-19 Crew Members: \$ 350.00 Per Day/per location + \$ 100.00 an hour before or after filming hours + additional fees for police (if required).
- ◆ 20-49 Crew Members: \$ 500.00 Per Day/per location + \$ 250.00 an hour before or after filming hours + additional fees for police (if required).
- ◆ 50-99 Crew Members: \$ 750.00 per day/per location + \$ 500.00 an hour before or after filming hours + additional fees for police (if required).
- ◆ 100+ Crew Members: \$ 1,000.00 per day/per location + \$ 600.00 an hour before or after filming hours + additional fees for police (if required).

Helicopter Usage:

- ◆ \$ 1,750.00 Flat Rate Per Day.

Other Special Effects:

- ◆ \$ 400.00 Flat Rate Per Day.

Metered Parking Spots:

- ◆ 1-49 Crew Members: \$ 50.00 Per Spot Per Day.
- ◆ 50+ Crew Members: \$ 75.00 Per Spot Per Day.

IRG Campus, HNA, contained properties:

- ◆ \$ 750.00 per day flat rate. *Additional fees if outdoor special effects are in use*

Basecamp:

- ◆ \$ 350.00 Per Day. Per Location.

*****EXCEPTIONS*****

Student Films/Short Films/Independent/Smaller Commercial Shoots:

- ◆ 1-9 Crew Members: \$ 225.00 Per Day/per location + \$ 75.00 an hour before or after filming hours + additional fees for police (if required).
- ◆ 10-19 Crew Members: \$ 350.00 Per Day/per location + \$ 100.00 an hour before or after filming hours + additional fees for police (if required).
- ◆ 20-49 Crew Members: \$ 450.00 Per Day/per location + \$ 125.00 an hour before or after filming hours + additional fees for police (if required).
- ◆ 50+ Crew Members: Standard fees.

10. DISTRIBUTION OF REQUEST FOR EXPRESSIONS OF INTEREST FOR POTENTIAL REDEVELOPMENT

WHEREAS, the Town Board is desirous of attracting and considering future development, planning and zoning with respect to the property ("Property") known as HNA Palisades located at 334 Route 9W, Palisades, New York (Parcel ID: 78.13-1-1), in connection with the current private property owner, who has expressed an interest in selling the Property; and

WHEREAS, the Town has a vision for maximizing, revitalizing and redeveloping the currently underutilized and vacant property for the benefit of the community, with a use that will have the public purpose of enhancing the sound growth of the Town, increasing its tax base, preserving key environmental on-site features, providing public amenities and uses, and encouraging good design standards; and

WHEREAS, while the Town has attempted to work in cooperation and good faith with the current owner of the Property, should the property owner not be willing to voluntarily cooperate in the acquisition of the Property in accordance with the outcome of the development process herein, the Town, shall consider exercising its condemnation authority as provided it under applicable State law; and

WHEREAS, on August 18 2020, via Town Board Resolution 2020-368, the Town Board authorized the engagement of AKRF Environmental Planning and Engineering Consultants, White Plains, New York, to, in coordination the Town's Special Counsel, Zarin & Steinmetz: (i) examine the economic feasibility and environmental considerations of potential uses for the Property, and (ii) prepare a Request for Expressions of Interest ("RFEI") to potential redevelopers, which will, among other things, specify the Town's redevelopment vision, and submission requirements; and

WHEREAS, on October 1, 2020, via Town Board Resolution 2020-432, the Town Board authorized AKRF and Zarin & Steinmetz to commence preparation of the RFEI; and

WHEREAS, AKRF and Zarin & Steinmetz have prepared an RFEI, a copy of which is annexed hereto, in furtherance of the goals set forth herein and the August 18th and October 1th Town Board Resolutions; and

WHEREAS, the Town Board has reviewed said RFEI, and approves same for circulation and distribution to the development community; and

NOW THEREFORE BE IT RESOLVED, that the Town Board finds that it is in the best interests of the Town for AKRF and Zarin & Steinmetz to immediately commence the circulation and distribution of the RFEI, and that the Town commence the redeveloper selection process provided therein in accordance with the RFEI annexed hereto.

TOWN ATTORNEY

11. AUTHORIZE CONCURRENCE / SECTION 4f REGULATIONS / WEST WASHINGTON AVENUE BRIDGE REALIGNMENT / PASCACK BROOK PARK

WHEREAS, the County of Rockland is proceeding with plans for a project to replace the West Washington Avenue Bridge over the Pascack Brook and realign West Washington Avenue in Pearl River at that location, which project, as a federally funded transportation project, requires an evaluation in accordance with Federal "Section 4f" regulations contained within the US Department of Transportation Act of 1966 (23 USC 138 and 29 USC 202) and,

WHEREAS, as part of the project the County of Rockland is seeking to acquire certain Town owned parkland property adjacent to West Washington Avenue Bridge, and

WHEREAS, the project has been evaluated with respect to the Final Section 4f evaluation as set forth more fully in a letter from the Rockland County Superintendent of Highways dated November 30, 2020, which is incorporated by reference herein, and

WHEREAS, the County of Rockland has requested that as an entity with jurisdiction over the parkland that will be the subject of acquisition by the County, with appropriate compensation being made to the Town, for written concurrence with the Programmatic Section 4f evaluation and assessment and determination of the project impacts to Pascack Brook Park as set forth more fully therein,

NOW THEREFORE, BE IT RESOLVED, that the Town, having reviewed the previously issued Negative Declaration pursuant to the New York State Environmental Review Act (SEQRA) dated November 19, 2020, concurs with the Programmatic Section 4f Evaluation, and authorizes the Supervisor or her designee to provide a letter to that effect to the County of Rockland.

12. WALSH SUBDIVISION / 231 TOWNLINE RD / RELEASE ROWLEY PERFORMANCE BOND & ACCEPT SLIEVENAMON PERFORMANCE BOND / 64.20-1-3

WHEREAS, pursuant to Town Board Resolution 2011-634, the Town Board accepted a Performance Bond from Paul Rowley and Vigilant Insurance Company, related to the Walsh Subdivision for property located at 253 Townline Road, West Nyack, Town of Orangetown, New York (Section 64.20-1-3); and

WHEREAS, the Planning Board at its meeting of October 28, 2020 authorized the replacement of said bond with a bond from Slievenamon, LLC, the new and current owner of the aforesaid property; and

WHEREAS, Slievenamon, LLC, has submitted Bond No. EACX1000236, dated July 27, 2020 issued by the Endurance Assurance Corporation, on behalf of Slievenamon, LLC, as principal, in the amount of \$ 46,380.00 and naming the Town of Orangetown as beneficiary, to insure the completion of public improvements associated with the 253 Townline Road Subdivision, which Bond has been approved as to form and substance by the Town Attorney's Office.

NOW THEREFORE IT IS HEREBY RESOLVED THAT, the Town hereby formally accepts, receives and files a Performance Bond from Slievenamon, LLC, dated July 27, 2020 and issued by the Endurance Assurance Corporation, with respect to the Walsh Subdivision, 253 Townline Road, West Nyack, Town of Orangetown, New York (Section 64.20, Block 1, Lot 3), which Bond is subject to all previous Planning Board decisions and conditions and which Bond shall remain in full force and effect until release by appropriate Town Board resolution, and

BE IT FURTHER RESOLVED THAT, the previously posted bond by Paul Rowley and Vigilant Insurance Company shall be released and discharged upon adoption of this resolution accepting the replacement of the Slievenamon, LLC Performance Bond.

13. **APPROVE / AUTHORIZE TOWN ATTORNEY TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING 53 BROOKSIDE AVE., S. NYACK v. ASSESSOR, ET AL (66.53-3-9)**

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 Yakov Cohen v. Assessor of Town of Orangetown, et al., tax map designation 66.53-3 -9, for the tax assessment year 2020 for a total refund by the County of \$0, a total refund by the Town of \$0, and a total refund by the Nyack School District of \$3,160. 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.

14. **AUTHORIZE / RETAINER WITH KEANE & BEANE / LITIGATION MATTER / SUPREME COURT, ROCKLAND COUNTY**

RESOLVED, that the Town Board authorizes the retention of the firm of Keane & Beane, P.C. to represent the Town in a litigation matter identified by Index No. 035228/2020 pending in Supreme Court, Rockland County, and authorizes the Supervisor or her designee to execute the retainer agreement provided, upon review and approval of the Town Attorney's Office.

HIGHWAY

15. **APPROVE / LEND ASSISTANCE / VOLUNTEER FIRE ASSOCIATION OF TAPPAN / HOLIDAY DRIVE- THRU EVENT**

RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby authorizes the Highway Department upon completion of all necessary paperwork to lend assistance which includes the use of barricades, cones, (2) message boards from the Highway Department for the Volunteer Fire Association of Tappan's Holiday Drive- Thru Event to be held on Saturday, December 19, 2020 from 4:30pm-7:30pm.

16. **ACCEPT RETIREMENT / HENTHORN / HIGHWAY DEPARTMENT / EFFECTIVE DEC. 7, 2020**

RESOLVED, that upon the recommendation from the Superintendent of Highways, accept with regret the resignation/retirement of Duane Henthorn, MEO II, in the Highway Department, effective December 7, 2020. Duane has been an employee of the Town of Orangetown for over 30 years.

17. **DESIGNATE / INSTALL MEMORIAL SIGN / VALENTINE AVENUE FROM UNION STREET TO FERDON AVENUE, SPARKILL**

WHEREAS, Rev. Dr. Louis Sanders was ordained in 1975 after earning his Master's of Divinity from Union Theological Seminary in New York City. He became the pastor of St. Charles A.M.E. Zion Church in Sparkill in 1981, and continued there until 2017, retiring to Virginia with his wife, Connie.

WHEREAS, during his 36-year tenure at St. Charles A.M.E. Zion Church in Sparkill, he increased the membership from 15 members to a church that is now known internationally, especially in Africa. He also created a place of community by implementing Reach out Suburbia, a program for disadvantaged homeless youth; as well as SAT tutorial and cultural awareness programs; and on-site HIV and AIDS testing.

WHEREAS, Rev. Dr. Louis Sanders' mission work included building churches in the Republic of Ghana and providing scholarships to enable the poor youth in Ghana to attend school. He led his congregation to help many of the families impacted from Hurricane Katrina by finding housing and paying their rent for a year. Rev. Dr. Louis Sanders' commitment to human and civil rights has been recognized by his induction into the Rockland County Civil Rights Hall of Fame in 2009.

WHEREAS, Rev. Dr. Louis Sanders taught social studies in the Tuckahoe Union Free School District from 1967 to 1998. He also served as a U.S. Air Force Chaplain retiring with a rank of lieutenant colonel in 2003. In addition, he helped train other military chaplains for service in Desert Storm.

WHEREAS, Rev. Dr. Louis Sanders was noted for how he encouraged those around him and saw the potential of each and every person.

WHEREAS, Rev. Dr. Louis Sanders entered eternal life on February 27, 2020, and;

WHEREAS, on the 15th of December, 2020, the Town Board designated a roadway in Rev. Dr. Louis Sanders' name for a term of five years to honor the deceased with the intention of installing nearby memorial street signs to signify the dedication, and;

NOW THEREFORE BE IT RESOLVED, that in honor of the deceased, Valentine Avenue, between Union Street and Ferdon Avenue, is designated as "Rev. Dr. Louis Sanders Way". The aforementioned designation will expire December 2025.

PARKS AND RECREATION

18. APPROVE / LEND AID / 2020 ORANGEBURG FIRE DEPARTMENT HOLIDAY PARADE/ SATURDAY, DECEMBER 12TH

RESOLVED, upon the completion of all necessary paperwork, the Superintendent of Parks & Recreation has forwarded for approval by the Town Board use of the Showmobile at a rental cost of \$500.00 by the Orangeburg Volunteer Fire Department for their Holiday Parade, Saturday, December 12, 2020, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

19. DECLARE SURPLUS VEHICLES / EQUIPMENT

RESOVLED, that upon the recommendation of the Superintendent of Parks and Recreation declare surplus the following vehicles/equipment:

Vehicles

1. 2004 Chevy 2500 HD, Vin# 1GBHK24034E312655
2. 2006 Chevy 2500 HD, Vin# 1GCHK24U66E226187
3. (2) Meyer 8ft Plow
4. Blue Tractor Ford model 5000, 7,479 hours, 2WD/Diesel
5. (2) GEM E825, Date of manufacture 12/12/02, 2 Seater 5ASAG27482FO30458
– w/Roof (1) w/o Roof vin #?)
6. GEM E825, 4 seater, 5ASAG47442F030579, 12/13/02, Plate #13394LU
7. 2006 Jeep Grand Cherokee Laredo, 66, 308, Vin#1J4GR48K26C258989

Snow Blowers

1. Yard-man by MTD, 10.5 HP/ 29", Model #31BE5B3H501, Serial # 1J252I3003
2. Club Cadet, 1130 SWE Electric Start, 10.5HP/29", Model # 31AH5B3H100, Mfg Code# 1I2161B10002

Mowers

1. (4) Greens Mower, Honda GX120, 4HP
2. Ariens Precision 22", Cut Briggs 190cc
3. Scag TurfTiger 72", SC4, 316 hours
4. Scag TurfTiger 61", SC0, ? hours
5. Husqvarna 7021P, Push Mower, Honda engine

6. Troy-Bilt, Tru Cut 100 21" Cut / 6.5HP Briggs

Misc

1. Western Roller, Model # 1 Ton, Serial # 3492, Briggs 319cc
2. (2) Little Wonder Push Blower, 10HP
3. Jacobsen Vaerator, VA-24 Honda GX340 11HP
4. Billy Goat K-Series Vacuum Briggs 190cc

20. AWARD CONTRACT / SNOW PLOWING / CORTWOOD VILLAGE SENIOR HOUSING COMPLEX

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, award the bid for snow plowing of the Cortwood Village Senior Housing Complex to Helmke Industries of Orangeburg, NY, the lowest qualified bidder.

21. APPROVE / 2021 LICENSE AGREEMENT / APPLIED GOLF / THE MANAGEMENT, OPERATION AND MAINTENANCE OF BLUE HILL GOLF COURSE & RESTAURANT, AND BROADACRES GOLF COURSE

WHEREAS, Applied Golf–Blue Hill, LLC, and Applied Golf–Broadacres, LLC (both hereinafter together referred to as “Applied Golf”), submitted a Competitive Contracting Bid Request for Proposal Package (“Proposal”), to the Town of Orangetown (“Town”), dated November 5, 2020, in response to the Town’s Request for Proposal [for the] Management, Operation and Maintenance of Blue Hill Golf Course and Broadacres Golf Course, dated October 7, 2020 (hereinafter “RFP”); and

WHEREAS, no other proposals, other than Applied Golf’s Proposal, were submitted to the Town in response to the RFP; and

WHEREAS, Applied Golf is the current vendor that manages, operates and maintains the Blue Hill Golf Course (“Blue Hill”), including its restaurant facility, and the Broadacres Golf Course (“Broadacres”), and has been managing, operating and maintaining the same for five years at Blue Hill, and over six years at Broadacres; and

WHEREAS, after reviewing Applied Golf’s Proposal, and conducting an interview with the principal of Applied Golf, Dave Wasenda, attended by two Orangetown Councilmen, the Town Attorney and his Deputy, the Superintendent of the Orangetown Department of Parks, Recreation and Buildings, and the Orangetown Director of Finance, the Director and the Superintendent concluded that the Town’s financial and recreational interests would be best served by the Town accepting Applied Golf as the successful Proposer, as “Proposer” is described in the RFP; and

WHEREAS, the Town, after negotiations with Applied Golf, and having arrived at mutually beneficial financial terms (itemized below), which are a \$30,000.00 per year decrease of the Town’s yearly total payments to Applied Golf as compared to the current and expiring contract/agreement with Applied Golf, the Town Board hereby elects to proceed with Applied Golf as the successful Proposer, and to enter into a License Agreement, the fiscal terms and provisions of which are outlined below, which monetary figures are per year and

will be remitted by the Town to Applied Golf (except for the Blue Hill restaurant License Fees, which will be remitted by Applied Golf to the Town) in equal monthly installments (1/12 of the respective yearly amounts, i.e., on a “straight-line” basis):

Financial Remuneration to the Town:

The Town will receive all of the revenues from the operations of the Blue Hill Golf Course and the Broadacres Golf Course (both sometimes referred to as the “Golf Courses”), with the exception of merchandise sales revenue from the pro shops and the revenues from the Blue Hill restaurant.

There will be an incentive/disincentive provision in the License Agreement that will either increase or decrease the amount to be remitted by the Town to Applied Golf depending on the revenues that Applied Golf is able to generate. The value of this incentive/disincentive is capped at 5% of the respective License Fee amounts to be paid by the Town to Applied Golf (see table below): any increase or decrease from the Revenue Target is split 50/50 between the Town and Applied Golf up to a maximum of 5% of the respective License Fee amounts to be paid by the Town to Applied Golf (see table below). For example, the Revenue Target at Blue Hill is \$2,475,000: if Applied Golf generates \$2,575,000 in revenues at Blue Hill, Applied Golf would exceed the Revenue Target by \$100,000; thus, the License Fee amount for Blue Hill to be paid by the Town to Applied Golf would be increased by \$50,000 from \$1,494,000 to \$1,544,000. The most that Applied Golf will receive from the Town, as an incentive above the respective License Fee amounts, is capped at 5%, which equates to \$74,700 for Blue Hill and \$29,750 for Broadacres; and the Town will receive, in full, any revenue above this 5% cap. Similarly, if Applied Golf generates less than \$2,475,000 at Blue Hill, the License Fee that the Town would pay to Applied Golf for Blue Hill would be reduced, as a disincentive, at a 50/50 share up to the same maximum cap of \$74,700; and if there should be a revenue amount that is below this 5% maximum cap, then the Town will absorb the lower revenues that are below the 5% cap.

Applied Golf will remit \$24,000 per year to the Town as a License Fee for the Blue Hill restaurant; and Applied Golf will contribute a minimum of \$200,000, toward capital expenditures, over the five-year term of the License Agreement.

License Fees to be paid by the Town to Applied Golf:

	<u>for Blue Hill</u>	<u>for Broadacres</u>
Golf Course Maintenance:	\$1,054,000	\$395,000
Pro Shop Operations:	\$490,000	<u>\$200,000</u>
Discount to Town for running both courses:	<u>-\$50,000</u>	
Total License Fees to be paid by the Town to Applied Golf:	\$1,494,000	\$595,000
	<u>Blue Hill</u>	<u>Broadacres</u>
Revenue Target (per year):	\$2,475,000	\$610,000
5% of License Agreement amount:	\$74,700	\$29,750

The Incentive/Disincentive is split 50/50 between Applied Golf and the Town, up to 5% of the License Agreement amount, and each Golf Course is treated separately.

The License Fees will be paid out on a “straight line” basis, i.e., payable in equal monthly installments (1/12 of the respective yearly amounts), by the 15th day of each month; and will be adjusted annually, at the end of each calendar year, based on the NY-NJ-PA Consumer Price Index (CPI) from the Federal Bureau of Labor Statistics.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby approves of a five-year License Agreement, to be drafted with terms and provisions, and in a form, satisfactory to the Town Attorney, but such terms and provisions will embody the spirit, intentions and objectives of the terms and provisions of the Town's RFP and Applied Golf's Proposal; however, if a particular term or provision of the RFP conflicts, or is inconsistent, with the Proposal, the terms and provisions of the RFP will control and govern; and

BE IT FURTHER RESOLVED that the Town Supervisor, or her designated representative, is hereby authorized to execute the License Agreement.

POLICE

22. APPOINT / JASON ZELENKA / PERMANENT / PROBATIONARY

RESOLVED, that upon the recommendation of the Chief of Police, appoint Jason Zelenka, from Rockland County Civil Service appointment list #65-590/19007, to the position of "Police Radio Dispatcher – CAD (Permanent/Probationary), effective December 16 2020, at a salary consistent with the terms of the labor agreement between the Town of Orangetown and Orangetown CSEA.

DEME

23. ACCEPT RETIREMENT / THOMAS FITZMAURICE / DEME / EFFECTIVE DEC. 11, 2020

RESOLVED, that upon recommendation of the Commissioner of Environmental Management and Engineering, accept with regret the resignation/retirement of Thomas Fitzmaurice, Maintenance Supervisor (Sewage Systems), in the DEME (Department of Environmental Management and Engineering), effective December 11, 2020. Tom has been an employee of the Town of Orangetown for over 35 years.

FINANCE

24. AUTHORIZE FINAL PAYMENT TO MASER P.A./ PEARL RIVER TOD PROJECT

WHEREAS, pursuant to Town Board Resolutions 2019-97 and 2019- 393, the Town Board authorized an agreement with Maser Consulting, P.A. to undertake and begin the SEQRA review process related to a proposed Transit Oriented Development Zone in downtown Pearl River, and

WHEREAS, the Town Board authorized expenditures up to \$70,000.00 be paid to Maser, and

WHEREAS, Maser has submitted bills which have been reviewed and approved by the Town Attorney and Town Finance Director in terms of work performed and deliverables, which work performed exceeded the previously authorized amount,

NOW THEREFORE BE IT RESOLVED, the Town Board hereby authorizes the Town Finance Director to pay two outstanding invoices to Maser Consulting, P.A., in an amount not to exceed \$14,100.00.

JUSTICE COURT

25. CREATE THE POSITION OF ASSISTANT COURT CLERK/JUSTICE COURT

RESOLVED, that upon the recommendation and approval of a PO 27 by Rockland County Personnel, create the position of Assistant Court Clerk in the Justice Court, Grade 12, Step 1, at a salary of \$62,458.00. This is for the purpose of posting the position.

AUDIT

26. PAY VOUCHERS

RESOLVED, upon the recommendation of the Director of Finance, Jeffrey Bencik, the Finance Office is hereby authorized to pay vouchers for a total amount of one (1) warrants for a total of \$838,105.76.

EXECUTIVE SESSION

27. 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 to consult with counsel on legal and contractual 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:

- ❖ **Catherine Caputo**, *Resident of Sparkill, Mother of Orangetown Highway Employees Thomas Caputo and Louis Caputo, and Mother-in-Law of Orangetown Chief Fire Safety Inspector, Michael Bettmann*
- ❖ **John Crowe**, *Resident of Pearl River, Brother of Retired Orangetown Police Officer Tom Crowe*
- ❖ **Michael Diskin**, *Resident of Orangeburg*
- ❖ **Susan Dunleavy**, *Resident of Pearl River*
- ❖ **S. Burton Husted**, *Resident of Blauvelt, Ex-Chief, Life Member and Chairman Emeritus of the Blauvelt Volunteer Fire Company*
- ❖ **Donald Kivlehan**, *Resident of Blauvelt*
- ❖ **Jack Lukens**, *Resident of Tappan*
- ❖ **Maureen Reynolds**, *Resident of Pearl River*
- ❖ **Betty Slavin**, *Resident of Tappan and Mother-in-Law of the Director of OBZPAE, Jane Slavin*