



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday May 11, 2021

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 on May 25, 2021 at 7:05 P.M. Re Proposed Amendment to Chapter 39, Article 1, Section 39-8 / Stop Intersections.**
- ◆ **Town of Orangetown DRAFT Municipal Separate Storm Sewer System (MS4 Annual Report Year 18) will be available for review on the Town's website.**
- ◆ **This year, the following 2021 Orangetown Memorial Day Events are on:**
 - ★ **5/30 Sunday - Raymond W. DeMeola VFW Memorial Post 1615 / Veterans Walkway of Hero's Memorial Day Observance at 10 AM / Independence Avenue and Lester Drive, Tappan.**
 - ★ **5/30 Sunday - Watchfires on the Piermont Pier and the top of Clausland Mountain / Vietnam Veterans 333 of America / 10 AM Memorial Day Ceremonies, and after dark, fires will be lit for 24 hours.**
 - ★ **5/31 Monday - John M. Perry Post 1044 American Legion of Palisades/Sparkill Memorial Day Services / 9 AM, the Palisades Ceremony to be held at the flag pole / War Monument in Triangle Square, intersection of Closter Road and Rte. 9W / AND, at 11:30 AM, Parade and Ceremony in Sparkill, starting at the Sparkill Firehouse, route runs north on Rte. 340, turns left (west) onto Union Street, then left again onto Washington Street and ending at the Depot Square Town Park for the Memorial Day Ceremony at approximately 11:50 AM.**
 - ★ **5/31 Monday - Piermont Engine Hose Co #1 - 10 AM Parade starts in front of VFW Post 7452 of Piermont to Kennedy Park for a Memorial Day Ceremony.**

- ★ **5/31 Monday - Carl A. Schelin Post 1271 American Legion, Tappan - 10 AM Memorial Service and Wreath Laying at the Tappan Triangle.**
- ★ **5/31 Monday - Pearl River American Legion John H. Secor Post 329 to host the Annual Memorial Day Parade - The Parade will go on at 10:15 AM from Key Bank. Contingents will line up in the Dollar Store parking lot on North Middletown Road. The parade route then heads south to East Central Avenue and then down Central Avenue to Braunsdorf Park by the Police Booth for the Memorial Day Service at 10:45 AM.**
- ★ **5/31 Monday - Charles and Raymond O. Blauvelt / Nyack Post 310 American Legion / 11 AM Nyack Memorial Park honoring Jerry Donnellan, former Rockland County Veterans Service Agency Director and Veterans Advocate, and the Installation of a Bronze Plaque in his honor.**

PRESENTATIONS:

- ◆ **Proclamation for Mental Health Awareness Month - May 2021 - Presented to Sandra Wolf, Rena Finklestein, and Jackie Dreschler of Rockland NAMI (National Alliance on Mental Health Illness)**
- ◆ **Proclamation for National Police Week - Monday May 9th - Saturday May 15, 2021 Presented to Chief Don Butterworth**
- ◆ **Proclamation for National Public Works Week - Sunday, May 16th - Saturday, May 22, 2021 presented to James J. Dean, Superintendent of Highways**
- ◆ **The Reserve at Pearl River Presentation**
- ◆ **Homes for Heroes – Change Order for Additional Soil**

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. RETAIN AKRF, INC. / COMPREHENSIVE PLAN CONSULTANT

WHEREAS, pursuant to Town Board Resolution 2020-488 the Town Board authorized the issuance of a Request for Proposals (RFP) for the purposes of receiving proposals from qualified bidders to assist the Town in the preparation of a Town Comprehensive Plan, pursuant to New York Town Law §272-a, and

WHEREAS, the Town received numerous proposals which have been analyzed and reviewed by relevant Department Heads and the Town Board,

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the retention of AKRF, Inc., Environmental, Planning and Engineering Consultants, White Plains, New York, to take appropriate measures to assist the Town in preparation of a Comprehensive Plan in accordance with their written proposal dated December 21, 2020, and the estimated fixed fee schedule of \$135,000.00, and authorizes the Supervisor or her designee to execute any and all documents necessary to effectuate the retention of AKRF, Inc. in accordance with the terms of this Resolution, subject to review and approval of the Town Attorney's Office.

4. AUTHORIZE AGREEMENT / GRANT WRITING / LABERGE GROUP

WHEREAS, the Town is aware of grant opportunities which would assist the Town in obtaining funding from Federal and State programs in various disciplines (e.g. recreation, planning, infrastructure programs and the like) which would be in the best interests of the Town to provide for funding of projects the Town has or intends to undertake, and

WHEREAS, the Town has received a proposal from Laberge Group, Albany, New York, to provide grants strategy, surveillance and development services to assist the Town in completing projects in an efficient, cost-effective and timely manner,

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the retention of the Laberge Group for purposes of providing professional grant writing services commencing June 1, 2021 through December 31, 2021 at the pro-rated cost of \$21,000.00, to be billed on a monthly basis, and that the Supervisor or her designee is authorized to execute any documents necessary to effectuate the purposes of this Resolution, upon review and approval of the Town Attorney's Office.

TOWN ATTORNEY

5. APPROVAL OF 2021 CERTIFICATE OF SEWER REGISTRATIONS

RESOLVED, that upon the recommendation of the Town Attorney and the Commissioner of the Department of Environmental Management and Engineering, a Certificate of Registration for 2021 Sewer Work is approved to:

- ◆ Cioffi 1, Inc., 27 Skyline Drive, Thiells, NY 10984
- ◆ King Excavating LLC/William King, 113 Lake Road, Valley Cottage, NY 10989

6. SETTLE CLAIM / MICHAEL HAGOPIAN AND AMY HAGOPIAN V. TOWN OF ORANGETOWN

WHEREAS, on or about March 8, 2021 an accident occurred whereby Claimants Michael K. Hagopian and Amy Hagopian claimed that a Town of Orangetown ("Town") Highway Department vehicle struck Claimant's vehicle resulting in property damage; and

WHEREAS, on or about March 16, 2021, the Town has received and been served with a Notice of Claim from Michael K. Hagopian and Amy Hagopian, for the cost of vehicle repair and rental car services as damages.

WHEREAS, the Town investigated this claim and obtained a condition report 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 \$11,000.00 as full and final settlement of the damages asserted in the Notice of Claim,

NOW THEREFORE BE IT RESOLVED, that the claim by Michael K. Hagopian and Amy Hagopian shall be settled and paid by the Town in the full and final amount of \$11,000.00 from account #: M.1930.457, 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.

7. ELIZABETH STREET, PEARL RIVER / INTERLOCAL AGREEMENT / LETTER OF INTENT

WHEREAS, Hegarty Homes, Inc., through its attorney Donald Brenner, Esq., requests the Town Board provide a letter of intent relating to entering into an intermunicipal agreement between the Town and the Borough of Montvale; and

WHEREAS, Hegarty Homes, Inc., developed a parcel of land in the Town of Orangetown, (Kennedy Parcel – Harmony Hill), located on Elizabeth Street, in Pearl River bordering the New Jersey State line, and a portion of such property is located in the Borough of Montvale, Bergen County, New Jersey; and

WHEREAS, access to the New Jersey portion of the land is only through the Town of Orangetown; and

WHEREAS, Hegarty Homes, Inc. has appeared before the Planning Board of the Borough of Montvale, which agreed to review the subdivision design but requested a letter indicating that the subdivision in New Jersey would obtain services from the Town of Orangetown; and

WHEREAS, Mr. Brenner has prepared a draft of a proposed interlocal agreement pursuant to New York State General Municipal Law Section 462; and

WHEREAS, the Town Attorney's Office has prepared a draft of a proposed letter of intent; and

WHEREAS, Mr. Brenner's draft of a proposed interlocal agreement and the Town Attorney's draft of a proposed letter of intent have been circulated to the Highway Department, the Department of Environmental Management and Engineering, the Police Department, and the Building Department; and

WHEREAS, said departments have no objection to the Town entering into a reasonable interlocal agreement with the Borough of Montvale in this regard or with the Town Board authorizing signature of the proposed letter of intent.

NOW, THEREFORE, BE IT RESOLVED, that the Town agrees to express its intention to enter into an interlocal agreement with the Borough of Montvale relating to providing services for the New Jersey portion of the property located on Elizabeth Street, Pearl River, New York, subject to review and approval of the Town Attorney's Office; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to sign the proposed letter of intent as drafted by the Town Attorney's Office.

8. **AUTHORIZE PAYMENT OF JUDGMENT / ROCKLAND INDEX NO. 032250/2016 / THE CASTLE AT BLUE HILL v. TOWN**

RESOLVED, that upon recommendation of the Town Attorney and Director of Finance, the Town Board hereby approves payment in the total amount of Two Hundred and Five Thousand Dollars (\$205,000.00) in full and final payment and satisfaction of a judgment to be filed against the Town by The Castle at Blue Hill, Inc. with respect to an action in the Supreme Court, Rockland County, Rockland County Index No. 032250/2016, regarding and finalizing all contractual matters as between the parties to the action, and authorizing the Supervisor or her designee to sign any and all documentation in order to facilitate the final resolution of the matter, upon review and approval of the Town Attorney's Office.

HIGHWAY

9. **APPROVE / AWARD CONSTRUCTION – FERRARO CONSTRUCTION CORP. / CULVERT REPLACEMENT PROJECT AT 400 ROUTE 303 TO MITIGATE SEDIMENT TRANSPORT & WATER QUALITY IMPAIRMENT / CLIMATE SMART GRANT**

RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby awards the construction of the Culvert Replacement Project at 400 Route 303 to Ferraro Construction Corp. Franklin, NJ 07416, at a cost of \$556,678.00, pursuant to bids received on March 26, 2020.

PARKS AND RECREATION

10. ACCEPT DONATION / 8 LANGUAGE PEACE POLE / PEARL RIVER ROTARY CLUB

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation accept with gratitude the donation and installation of an 8 Language Peace Pole in Braunsdorf Park at no cost to the Town.

11. ACCEPT DONATION / MEMORIAL BENCH

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation accept with gratitude the donation of of a memorial bench to be installed at Veterans Memorial Park by the Pearl River Lions Club. Engraving will read:

For Those Lost to Covid 19 and Those Who Cared for Them
Pearl River Lions Club

12. ACCEPT DONATION / ROCK GARDEN / PEARL RIVER DAISY TROOP 40512

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation accept with gratitude the donation and installation of a rock garden to be placed near the foot bridge in Borst Park by Pearl River Daisy Troop 40512.

13. APPROVE / LEND AID / ORANGETOWN HIGHWAY DEPARTMENT - APWA EQUIPMENT SHOW / WEDNESDAY, MAY 19, 2021

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 by the Orangetown Highway Department for their on-site APWA equipment show, Wednesday, May 19, 2021.

HIGHWAY / POLICE

14. APPROVE / LEND ASSISTANCE / 2021 GREEK FESTIVAL DRIVE- THRU EVENT / ST. CONSTANTINE'S CHURCH

RESOLVED, upon the recommendation from the Superintendent of Highways & the Chief of Police, that the Town Board hereby authorizes these two departments to lend assistance which includes the use of cones, barricades, trash cans, recycling bins, directional & no parking signs from the Highway Dept., and Auxiliary police from OPD, for the Greek Festival Drive- Thru Event to be held on Friday, June 4, 2021 from 12pm to 8pm, Saturday, June 5, 2021 and Sunday, June 6, 2021 from 12pm to 8pm.

AUDIT

18. 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 four (4) warrants (attached) for a total of \$2,485,744.52.

EXECUTIVE SESSION

19. 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

20. RE-ENTER RTBM / ADJOURNED / MEMORY

RESOLVED, at _____ pm, the Town Board re-entered the Regular Town Board Meeting and adjourned in memory of:

❖ **Captain Terence Sullivan**, *Resident of Valley Cottage, Retired OPD*