



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday September 14, 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:

- ◆ **Spay/Neuter Voucher Program for Orangetown Cats. Visit Orangetown's website for more details: www.orangetown.com**
- ◆ **Sign up for updates on Orangetown's Comprehensive Plan. Please visit www.orangetown.com**
- ◆ **Flood Update for Rockland County**

PRESENTATIONS:

- ◆ **2022 Budget Presentations for Special Districts:**
 - 7:05 P.M. - 7:10 P.M. / Orangeburg Library (Michele Galle-Looram)**
 - 7:10 P.M. - 7:15 P.M. / Tappan Library (Raleigh Tozer and Sara Nugent)**
 - 7:15 P.M. - 7:20 P.M. / Palisades Library (Maria Gagliardi)**
 - 7:20 P.M. - 7:25 P.M. / Blauvelt Library (Laura Grunweg)**
 - 7:25 P.M. - 7:30 P.M. / Rockland Paramedics (Ray Florida)**
 - 7:30 P.M. - 7:35 P.M. / South Orangetown Ambulance Corps (Peter Roimisher)**
 - 7:35 P.M. - 7:40 P.M. / Blauvelt Fire Company (Mike Conklin)**
 - 7:40 P.M. - 7:45 P.M. / Nyack Ambulance Corps (William McDowell)**
- ◆ **Onyx Management Group Presentation for proposed Zoning Map Amendment for 100 Corporate Drive, Blauvelt**

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. **SET PUBLIC HEARING / RTBM OCTOBER 26, 2021 AT 7:05 / AMENDING CHAPTER 5 (BUILDING CONSTRUCTION AND FIRE PREVENTION) / ADOPT THE NYSTRETCH ENERGY CODE-2020**

RESOLVED, that the Town Board will hold a public hearing on October 26, 2021 at 7:05 pm, on a proposed Local Law amending Chapter 5 of the Town Code with regard to adopting the NYStretch Energy Code-2020.

4. **APPROVE / AMEND RESOLUTION 2021-155 / ZARIN & STEINMETZ / EXTEND CAP REDEVELOPMENT OF HNA PALISADES**

WHEREAS, pursuant to Town Board Resolution No. 2021-155 the Town Board authorized Zarin & Steinmetz to continue to provide professional legal services related to the potential redevelopment and zoning of the property known as HNA Palisades, and

WHEREAS, due to the specialized nature of the work performed to date and the need for additional work, the Town Board, in its discretion, finds it in the best interest of the Town to authorize the expenditure of up to an additional \$15,000.00 to cover additional expected work with respect to this matter, and

NOW THEREFORE BE IT RESOLVED, that Town Board hereby amends Resolution 2021-155 by authorizing the allocation of up to an additional \$15,000.00 to be paid to Zarin & Steinmetz, for a total not to exceed \$65,000.00 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.

TOWN ATTORNEY

5. **APPROVE / AUTHORIZE TOWN ATTORNEY TO SIGN SETTLEMENT DOCUMENTS / TAX CERTIORARI PROCEEDING PAR BUILDERS, INC. MASIS PARSEGHIAN v. THE ASSESSOR, ET AL (65.36-1-51)**

RESOLVED, upon the recommendation of the Assessor, approve and authorize Robert V. Magrino, Town Attorney, to sign settlement documents regarding the tax certiorari proceeding Par Builders, Inc. Masis Parseghian v. The Assessor, et al., tax map designation 65.36-1-51 (26 Route 59, Nyack), for the tax assessment year 2016 – 2020 for a total refund by the County of \$8,134, a total refund by the Town of \$20,757, and a total refund by the Nyack School District of \$76,132. 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.

6. **APPROVAL OF 2021 CERTIFICATE OF SEWER REGISTRATION**

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:

- ◆ Treestone Builders Group, Inc., 110 West Crooked Hill Road, Pearl River, NY 10965
- ◆ Travcon, Inc., 375 Kings Highway, Valley Cottage, NY 10989

7. **FLECK SITE PLAN – HOLD HARMLESS AGREEMENT**

WHEREAS, William and Allison Fleck are the owners of real property located at 31 Shadyside Avenue, Upper Grandview, New York 10960; and

WHEREAS, the owners intend to make improvements to their driveway; and

WHEREAS, said property is within the Critical Environmental Area, and in order to proceed, the owners have been required to seek site plan approval from the Town of Orangetown Planning Board; and

WHEREAS, the owners have obtained final approval from the Planning Board on May 26, 2021 in PB #21-30, subject to conditions; and

WHEREAS, said site plan includes construction in the area of a Town of Orangetown sanitary sewer easement; and

WHEREAS, one condition of approval is that the owners sign and file with the Rockland County Clerk a hold harmless agreement that runs with the property and states that if the Town Sewer Department ever replaces, repairs or digs up for any reason the sanitary main and causes damage to the parking area and/or retaining wall relating to this site plan, the Town shall not be responsible to repair or replace the parking area or retaining wall; and

WHEREAS, the accompanying hold harmless has been reviewed and approved by the Town Attorney's Office; and

WHEREAS, the Town Attorney's Office and the Town of Orangetown Department of Environmental Management and Engineering (DEME) recommend accepting the accompanying hold harmless agreement, which has already been executed by the owners, and the original forwarded to the Town for execution by the Town.

NOW, THEREFORE, BE IT RESOLVED, that the Town hereby grants to 31 Shadyside Avenue, Upper Grandview, New York, license, in the form of a Covenant, Hold Harmless and Indemnification Agreement for said property to make improvements to the driveway in accordance with Planning Board Decision #21-30, which agreement provides, among other things, that the property owners hold the Town harmless for all damages that result from the Town Sewer Department repairing, replacing or digging up the Town-owned sanitary main located inside the Town's sanitary sewer easement on said property.

BE IT FURTHER RESOLVED, that the Town Supervisor or designee is authorized to execute the accompanying 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.

BE IT FURTHER RESOLVED, that upon filing with the Rockland County Clerk's office, the original document be filed and maintained in the Town Clerk's office.

HIGHWAY

8. **APPROVE/ LEND ASSISTANCE/ 2021 PEARL RIVER ROTARY ANNUAL JAKE AMANN FISHING CONTEST VETERANS MEMORIAL PARK**

RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby authorizes the Highway Department to lend assistance which includes use of the message board from the Highway Department, for the 37th annual Jake Amann Fishing contest to be held on Saturday, September 18, 2021 from 10 am- 3 pm (rain date: September 25, 2021).

9. **AWARD CONTRACT / BAHR SALES, INC. / ONE (1) NEW DUAL BROOM VACUUM STREET SWEEPER**

RESOLVED, upon the recommendation of the Superintendent of Highways, award the contract for the purchase of One (1) New Dual Broom Vacuum Street Sweeper to Bahr Sales, Inc., Wallingford, CT, in the amount of \$357,890.00 to be charged to account #H.5130.200.08 and Highway Fund Balance.

PARKS AND RECREATION

10. **APPROVE / LEND AID / 2021 THE NOBLE NINTH INC TRAUBENFEST / SUNDAY, OCTOBER 3RD, 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 Noble Ninth Inc. for their Traubenfest, Sunday, October 3, 2021, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

11. **APPROVE AGREEMENT/ SOCSO/ USE OF SOMS POOL FACILITY**

RESOLVED, upon the recommendation of the Superintendent of Parks & Recreation, the Town Board hereby approves an AGREEMENT between the Town of Orangetown and the South Orangetown Central School District for use of the Swimming Pool, locker room, storage closet and pool office at the South Orangetown Middle School for a period of FIVE (5) years (from July 1, 2021 through June 30, 2026) at a cost of NINETY SEVEN THOUSAND EIGHT HUNDRED FIFTY EIGHT AND 00/100 (\$97,858.00) DOLLARS per year, and authorizes the Town Supervisor to sign the Agreement.

12. **APPROVE / LEND AID / 2021 GAA NYPD vs NYFD GAELIC FOOTBALL MATCH / SATURDAY, SEPTEMBER 18**

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 Rockland GAA for their NYPD vs NYFD Gaelic Football Match, Saturday, September 18, 2021, with the organization providing a certificate of insurance listing the Town of Orangetown as additionally insured.

POLICE

13. **AUTHORIZE ADDENDUM / RENEWAL REGARDING AGREEMENT WITH SOUTH ORANGETOWN SCHOOL DISTRICT / SCHOOL RESOURCE OFFICER**

WHEREAS, pursuant to Town Board Resolutions 2018 -440, 2019-324 and 2020-_____ and Section 119-0 of the General Municipal Law, the Town of Orangetown entered into an agreement with the South Orangetown Central School District (SOCSO) whereby the Town Police Department would assign a School Resource Officer (SRO) to the SOCSO, and

WHEREAS, the SOCSO has requested that the agreement be continued for the 2021/2022 school year, by way of an addendum to the original agreement, including making provisions for time periods of a prolonged district wide shut down,

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby agrees to renew the SRO Agreement with the SOCSO, and to enter into an agreement with the SOCSO, for the 2021-2022 school year, under the terms and conditions as set forth in the original

Agreement and Addendum III as proposed, and the SOSCD shall reimburse the Town in accordance with the terms of the agreement.

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor or her designee to execute any documents necessary to effectuate the terms of this resolution, and

BE IT FURTHER RESOLVED that the Town Board hereby authorizes the Chief of Police or his designee to execute any documents necessary to effectuate the terms of this resolution on behalf of the Police Department and to administer same on behalf of the Town and the Town Police Department.

HIGHWAY / POLICE

14. APPROVE / LEND ASSISTANCE / 2021 ORANGEBURG FIRE DEPARTMENT HOLIDAY PARADE / SATURDAY, DECEMBER 11, 2021

RESOLVED, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of barricades & trash bins from the Highway Dept., and auxiliary police from OPD, for the OFD annual holiday parade to be held on Saturday, December 11, 2021 (rain date: Sunday, December 12, 2021), on various roads in the hamlet of Orangeburg, from 6 pm – 9 pm.

15. APPROVE/ LEND ASSISTANCE / 2021 PEARL RIVER DAY FESTIVAL / CENTRAL AVENUE, PEARL RIVER

RESOLVED, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of use of trash cans, barricades, electronic message board & detour signs from the Highway Department and police detail from OPD, for the annual PR Day Festival to be held on Saturday, October 16, 2021, from 7 am to 9 pm.

16. APPROVE / LEND ASSISTANCE /PLUS POLISH FESTIVAL / SATURDAY & SUNDAY AUGUST 28-29, 2021

RESOLVED, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of barricades, plastic barrels with no parking signs, cones, sidewalk control on road edge and plastic fencing from the Highway Department and auxiliary police from OPD, for the Plus Polish Festival to be held on Saturday, August 28, 2021 from 11am to 10pm and Sunday, August 29, 2021 from 11am to 8pm, nunc pro tunc.

**17. APPROVE/ LEND ASSISTANCE / 2021 ANNUAL HALLOWEEN PARADE
ORANGEBURG FIRE DEPARTMENT/ SUNDAY OCTOBER 31, 2021**

RESOLVED, upon the recommendation from the Superintendent of Highways & Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes barricades & trash barrels from the Highway Department and Auxiliary Police from OPD, for the OFD annual Halloween parade to be held on Sunday, October 31, 2021, from 6:00 pm – 9:00 pm.

HIGHWAY / PARKS

**18. APPROVE LEND ASSISTANCE / 2021 PEARL RIVER FIRE DEPARTMENT CAR
SHOW / SUNDAY, SEPTEMBER 19, 2021**

RESOLVED, upon the recommendation from the Superintendent of Highways & the Superintendent of Parks & Recreation, the Town Board hereby authorizes these departments to lend assistance which includes the use of fifteen (15) 55 gallon trash barrels from the Highway Department and the rental of Portable Toilets (1 regular unit 1 ADA unit) from the Parks and Recreation Department for the Pearl River Hook & Ladder Fire Department Car Show to be held on Sunday, September 19, 2021, in the Central Avenue Field, from 6am to 6pm, upon the completion of all necessary paperwork.

PERSONNEL

**19. APPOINT / ELLEN FORDHAM / ADMINISTRATIVE SECRETARY, PERMANENT /
DEME / EFFECTIVE SEPTEMBER 15, 2021**

RESOLVED, that upon recommendation of Rockland County Personnel, appoint Ellen Fordham to the position of Administrative Secretary, permanent, in D.E.M.E / Sewer Department, from EL#21006(PROM), effective September 15, 2021, no change in salary.

ASSESSOR

20. APPROVE / PURCHASE / STATE-BID VEHICLE / ASSESSOR'S OFFICE

RESOLVED, that due to ongoing field inspections and other related duties that are necessary for the functioning of the Assessor's Office; and due to vehicle shortages from State bid dealers at this time, the purchase of a state-bid vehicle will be done as soon as possible with monies withdrawn from the Town's fund balance and /or Assessor's budget in lieu of waiting for the 2022 Office budget to resolve this issue. The cost of the vehicle is estimated at \$29,167.

JUSTICE COURT

21. ORANGETOWN JUSTICE COURT / AUTHORIZE GRANT APPLICATION

RESOLVED, that the Town of Orangetown authorizes Orangetown Justice Court to apply for a grant in the 2021-22 Justice Court Assistance Program grant cycle up to \$30,000.00.

TOWN CLERK

22. 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: July 13 & August 10, 2021 Police Commission Meetings; July 13 & 27, & August 10, 2021 Regular Town Board Meetings and August 10, 2021 Special Town Board Meeting.
2. Agreement w/Rockland County for Share Services (Highway) 2019-2024
3. Agreement w/Johnson Controls for HVAC & Mechanical, Town Hall 8/1/2021 – 7/31/2022.
4. Agreement w/Orangetown Metro Sports Club, Inc. (f/k/a Orangetown Mighty Midgets (OMM) for the replacement of Field 1 by Sprinturf, LLC.
5. Disbursement Agreement (DASNY Grant 21590 (SAM Program) for Improvements at Veteran's Memorial Park.

AUDIT

23. 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 2,197,685.86.

EXECUTIVE SESSION

24. ENTER EXECUTIVE SESSION

RESOLVED, at _____ pm, the Town Board entered Executive Session to discuss proposed, pending or current litigation and employment matters.

RE-ENTER RTBM / ADJOURNED / MEMORY / ADJOURNMENTS

25. RE-ENTER RTBM / ADJOURNED / MEMORY

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

- ❖ Bruce Baez, *Resident and Volunteer Firefighter of Tappan*