



## TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday October 26, 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 / RTBM of November 9, 2021 at 7:05 P.M. / Proposed Zone Change for 100 Corporate Drive, Blauvelt, NY**
- ◆ **Public Hearing / RTBM of November 30, 2021 at 8:00 P.M. / Dominican College Application for a Watercourse Diversion Permit**
- ◆ **FEMA's Disaster Recovery Center is open to all Rockland Residents and Businesses who have suffered damage due to the remnants of Hurricane Ida. The Center is open 7 days a week from 8 am to 7 pm and is located at the Orangetown Soccer Complex, 175 Old Orangeburg Road in Orangeburg.**
- ◆ **2021 General Election Early Voting in Orangetown / October 23 - October 31, 2021 at Town Hall. Visit [orangetown.com](http://orangetown.com) for voting times.**
- ◆ **The Town of Orangetown is hosting a Blood Drive on Thursday, October 28, 2021 from 9:00 A.M. to 8:00 P.M. Visit [orangetown.com](http://orangetown.com) to sign up.**
- ◆ **Comprehensive Plan Update: Please visit our website to leave comments on our Engagement Platform to share your vision for Orangetown 's future at [www.orangetown.com](http://www.orangetown.com). It will remain open until October 29, 2021.**

### PRESENTATIONS:

- ◆ **Lothrop Associates LLP / Town Hall Expansion**

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

**RESOLVED**, that the public hearing to consider a proposed Local Law amending Chapter 5 (Building Construction and Fire Prevention) and Adopt the NYStretch Energy Code-2020, is hereby opened.

**PRESENTATION** of Affidavit of Public Hearing posting and publication.

**SUMMARY OF COMMENTS:**

4. **CLOSE PUBLIC HEARING / AMENDING CHAPTER 5 (BUILDING CONSTRUCTION AND FIRE PREVENTION) / ADOPT THE NYSTRETCH ENERGY CODE-2020**

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

5. **OFFICE OF BUILDING, ZONING AND PLANNING ADMINISTRATION AND ENFORCEMENT: ADOPTION OF LOCAL LAW NO. \_\_\_\_ OF 2021 / AMENDING CHAPTER 5 (BUILDING CONSTRUCTION AND FIRE PREVENTION), SO AS TO ADOPT THE NYSTRETCH ENERGY CODE-2020**

**IT IS HEREBY RESOLVED**, by the Town Board of the Town of Orangetown, as follows:

**WHEREAS**, to prevent a statewide patchwork of stricter energy codes, the New York State Energy Research and Development Authority (NYSERDA) developed the NYStretch Energy Code-2020 (NYStretch).

**WHEREAS**, a stretch energy code is simply an energy code that is more stringent than the minimum base energy code that can be voluntarily adopted by local jurisdictions. NYStretch is a model stretch code that will be ten to twelve percent (10-12 %) more efficient than the minimum requirements of the base energy code, the 2020 Energy Conservation Construction Code of New York State (2020 ECCCNY).

**WHEREAS**, some New York State municipalities have adopted stricter energy standards to ensure reduced energy costs for its residents and businesses.

**WHEREAS**, under NYS Energy Law §11-109, the Town Board of The Town of Orangetown is authorized to adopt a local energy code more stringent than the 2020 ECCCNY.

**WHEREAS**, the New York State Energy Research and Development Authority (NYSERDA) developed NYStretch as a statewide model code for New York jurisdictions to use to meet their energy and climate goals by accelerating the savings obtained through their local building energy codes; and, for jurisdictions that adopt it, NYStretch will provide savings of roughly 11% over the 2020 ECCCNY when that energy code is released by the New York State Department of State.

**WHEREAS**, NYStretch is a stretch code that: (i) is readily adoptable with minimal changes by local governments; (ii) is in enforceable language; (iii) is coordinated with the New York State Uniform and Energy Codes; (iv) is about one cycle ahead of the next New York State Energy Code in its requirements; (v) lowers energy use and greenhouse gas emissions associated with new and existing buildings; and (vi) is cost-effective and regionally appropriate.

**WHEREAS**, the Town Board is considering amending provisions of Chapter 5 of the Code of the Town of Orangetown (“Orangetown Code”), entitled Building Construction and Fire Prevention, so as to add provisions for a local energy code.

**WHEREAS**, the Town Board is declared Lead Agency for the purposes of environmental review with respect to the proposed Resolution, in accordance with Article 8 of the Environmental Conservation Law of the State of New York, and the Regulations promulgated thereunder at 6 NYCRR 617 (collectively, the State Environmental Quality Review Act or SEQRA).

**WHEREAS**, the Town Board, as the SEQRA Lead Agency, has determined that the proposed Action meets the criteria of a Type II Action under SEQRA Regulation §617.5(c) (33), which is exempt from, and is not required to undergo, a SEQRA environmental review.

**WHEREAS**, the Town Board has determined that this proposed Local Law is not subject to the mandates of NYS General Municipal Law (GML) §239-m, and, therefore, not required to be referred to the Rockland County Planning Department for GML review.

**WHEREAS**, the Town Board has complied with all public notice requirements as mandated by New York State statute(s) and the Orangetown Code, and the proposed Local Law has been distributed to the Town Board as per NYS Municipal Home Rule Law §20(4), and a Public Hearing was duly held by the

Town Board regarding the proposed Local Law on \_\_\_\_\_, 2021, at which time all persons either for or against said amendments were heard.

**NOW, THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE THE TOWN BOARD, AND THE FINDINGS MADE HEREIN, BE IT RESOLVED** that the Town Board hereby adopts and enacts the proposed Local Law in the form and substance, as may be amended herein, as set forth below.

**LOCAL LAW NO. \_\_\_\_\_ OF 2021 OF THE TOWN OF ORANGETOWN, NEW YORK, TO ADOPT AMENDMENTS TO CHAPTER 5 (BUILDING CONSTRUCTION AND FIRE PREVENTION) OF THE CODE OF THE TOWN OF ORANGETOWN, SO AS TO ADD PROVISIONS FOR A LOCAL ENERGY CODE**

**Section 1. Legislative Intent**

The Town Board of the Town of Orangetown (Orangetown) seeks to protect and promote the public health, safety, and welfare of its residents by mandating energy efficient building standards. On \_\_\_\_\_, 20\_\_\_\_, the 2020 Energy Conservation Construction Code of New York State (ECCCNYS), updated by the New York State Fire Prevention and Building Code Council, became, or will become, effective and must be complied with for residential and commercial buildings unless a more restrictive energy code is voluntarily adopted by a local jurisdiction. In 2019, the New York State Energy Research and Development Authority (NYSERDA) developed and published the NYStretch Energy Code-2020 (NYStretch), a more energy efficient building code than the 2020 ECCCNYS. This proposed amendment to the Orangetown Code seeks to modify Chapter 5 of the Orangetown Code (Building Construction and Fire Prevention) so as to adopt NYStretch and to enact more restrictive regulations as they relate to new or substantially renovated buildings.

**Section 2. Amendment**

Section 5-1 of Chapter 5 (Building Construction and Fire Prevention) of the Orangetown Code shall be amended and, as amended, shall read as follows:

**§5- 1. Applicability of Uniform Code, Energy Code and NYStretch.** The applicability of the New York State Uniform Fire Prevention and Building Code (Uniform Code), and the State Energy Conservation Construction Code (Energy Code), were accepted by Town of Orangetown Local Law No. 5 of 2017, adopted by the Town Board of the Town of Orangetown on May 16, 2017. The NYStretch Energy Code-2020, published by the New York State Energy Research and Development Authority, hereinafter referred to as “NYStretch,” shall be applicable to all new construction, substantial renovations, alterations and additions within the Town of Orangetown, as required by the 2020 Energy Conservation Construction Code of New York State as amended by NYStretch.

**Section 3. Authority**

This proposed Local Law is enacted and adopted pursuant to NYS Energy Law §11-109(1), and NYS Municipal Home Rule Law §10, and in accordance with the procedures prescribed in NYS Municipal Home Rule §20.

#### **Section 4. Severability**

If any section, subdivision, paragraph, clause or phrase of this Local Law shall be adjudged invalid, or held to be unconstitutional, by any court of competent jurisdiction, any judgment or order made thereby shall not affect the validity of this Local Law as a whole, or any part thereof, other than the part or provision so adjudged to be invalid or unconstitutional.

#### **Section 6. Effective Date**

This Local Law shall take effect upon publishing and posting a copy in the manner prescribed by applicable laws, and upon filing a copy with the NYS Secretary of State.

6. **OPEN PUBLIC HEARING / RTBM OF OCTOBER 26, 2021 AT 7:10 P.M. / 2022 – ONE YEAR CONTRACT / BLAUVELT FIRE PROTECTION DISTRICT CONTRACT**

**RESOLVED**, that the 7:10 P.M. public hearing on the proposed Contract between the Town of Orangetown and the Blauvelt Volunteer Fire Company, Inc. (\$639,540) for fire protection services in and throughout the Blauvelt Fire Protection District, within the Town of Orangetown, for calendar year 2022, is hereby opened.

**PRESENTATION:** Notice of Posting and Affidavit of Publication (Town Clerk)

**SUMMARY OF COMMENTS:**

7. **CLOSE PUBLIC HEARING / ONE YEAR CONTRACT / BLAUVELT VOLUNTEER FIRE COMPANY, INC. / CALENDAR YEAR 2022**

**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 2022, is hereby closed.

8. **OPEN PUBLIC HEARING / RTBM OF OCTOBER 26, 2021 AT 7:15 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 / CALENDAR YEAR 2022 /**

**RESOLVED**, that the 7:15 P.M. public hearing on the proposed Contracts between the Town and the Blauvelt Free Library (\$714,400), the Orangeburg Library (\$571,200), the Palisades Free Library (\$389,403), and the Tappan Free Library (\$730,715), for library services in and throughout the boundaries of their district as 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 2022, is hereby opened.

**PRESENTATION:** Notice of Posting and Affidavit of Publication (Town Clerk)

**SUMMARY OF PUBLIC COMMENTS:**

9. **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 YEAR 2022**

**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 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 2022 is hereby closed.

10. **OPEN PUBLIC HEARING / RTBM OF OCTOBER 26, 2021 AT 7:20 P.M. / 2022 PRELIMINARY BUDGET**

**RESOLVED**, that the public hearing at 7:20 P.M. regarding the 2022 Preliminary Budget is hereby opened.

**PRESENTATION:** Notice of Posting and Affidavit of Publication

**SUMMARY OF COMMENTS:**

11. **CLOSE AND/OR CONTINUE PUBLIC HEARING / 2022 PRELIMINARY BUDGET / TO NOVEMBER 9, 2021 AT 7:10 P.M.**

**RESOLVED**, that the public hearing regarding the adoption of the proposed 2022 Preliminary Budget is hereby closed and/or continued to the RTBM of November 9, 2021 at 7:10 P.M.

12. **AUTHORIZE AGREEMENT WITH LANDSCAPE STRUCTURES, INC. / VETERANS PARK PLAYGROUND**

**WHEREAS**, pursuant to Town Board Resolutions 2020-107 and 2020-342 the Town Board agreed to accept grants totaling \$500,000.00 from the New York State and Municipal Facilities Program (SAM) to be administered by the Dormitory Authority of the State of New York (DASNY) for construction of a playground at Veterans Memorial Park, and

**WHEREAS**, the Town Board previously approved the bonding of the sum of \$250,000.00 towards the playground improvements at Veterans Park as part of a municipal bond series issued as of June 18, 2020, and

**WHEREAS**, pursuant to General Municipal Law § 103(16), a municipality is authorized to make purchases of apparatus, materials, equipment and supplies, or to contract for services related to the installation of apparatus, as required, through the use of a contract let by the United States, or any agency thereof, or any state or any other political subdivision or district therein, if such contract was let to the lowest responsible bidder or on the basis of best value, in a manner consistent with GML § 103 and specifically made available to other municipalities; and

**WHEREAS**, Sourcewell, formerly known as the National Joint Powers Alliance (“NJPA”), is a public entity whose creation was authorized by the State of Minnesota, pursuant to Minn. Stat. § 123A.21; and

**WHEREAS**, Sourcewell is permitted to engage in cooperative purchasing, pursuant to Minn. Stat. § 471.345, for supplies, materials and equipment based on sealed competitive bid, direct negotiation or best value, based on the estimated cost of the item; and

**WHEREAS**, in or about November, 2020 Sourcewell, issued a Request for Proposal for the procurement of playground and water play equipment with related accessories, which proposals were due, received and opened publicly on January 5, 2021; and

**WHEREAS**, as a result thereof, a contract #010521- LSI was awarded to Landscape Structures, Inc. which contract was expressly made available to participating entities, including the Town of Orangetown; and

**WHEREAS**, Landscape Structures, Inc. has provided to the Town a proposal based upon the aforementioned contract, which proposal meets the specifications and needs of the Town,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes the purchase of playground equipment, including installation, with Landscape Structures, Inc., under Sourcewell Contract #010521-LSI, as a at a total cost of Seven Hundred Thousand Two Hundred Ninety Seven 00/100 (\$700,297.00), and further authorizes the Supervisor to take such further action, and to execute such further documents, as may be necessary to effectuate such purchase.

**13. APPOINT DENISE LENIHAN / MEMBER / PLANNING BOARD / EFFECTIVE NOVEMBER 8, 2021**

**RESOLVED**, that the Town Board hereby appoints Denise Lenihan, Member of the Planning Board, to fill the unexpired term of William Young, effective November 8, 2021 through December 31, 2026.

**HIGHWAY**

**14. ACCEPT WITH REGRET THE RESIGNATION/RETIREMENT OF KAREN JAHNES/ ADMINISTRATIVE SECRETARY I / HIGHWAY DEPARTMENT / EFFECTIVE OCTOBER 27, 2021**

**RESOLVED**, that the Superintendent of Highways and the Town Board accepts with regret, the resignation/retirement of **KAREN JAHNES**, Administrative Secretary I, from the Highway Department, after 36 years, effective October 27, 2021.

**15. APPROVE / LEND ASSISTANCE / BOY SCOUTS OF AMERICA ROCKLAND DISTRICT TRUNK OR TREAT EVENT / OCTOBER 30, 2021**

**RESOLVED**, upon the completion of all necessary paperwork the Superintendent of Highways has forwarded for approval by the Town Board, authorization for the Highway Department to lend assistance which includes the use of cones for the Boy Scouts of America Rockland District Trunk or Treat on Saturday, October 30, 2021.

16. **AWARD CONTRACT / ALL COUNTY ASPHALT / MILLING AND PAVING – HENRY STREET, PEARL RIVER**

**RESOLVED**, upon the recommendation of the Superintendent of Highways, award the contract for the Milling and Paving of Henry Street, Pearl River, (from East Central Avenue to South Middletown Road), to All County Asphalt, Orangeburg, New York, the lowest qualified bidder to be charged to account #D.5112.457.

17. **\*\* Place Holder \*\* APPROVE / LEND ASSISTANCE / CHAMBER OF COMMERCE / HALLOWEEN DANCE PARTY TRUNK OR TREAT / OCTOBER 29, 2021**

**POLICE**

18. **AUTHORIZE IMA / ROCKLAND COUNTY/ REIMBURSEMENT OF EXPENSES / CRIMINAL JUSTICE DISCOVERY ACT**

**WHEREAS**, Rockland County, through the District Attorney's Office, in an effort to provide financial assistance to local law enforcement and make a disbursement of grant funds from the Criminal Justice Discovery Grant to the Town for reimbursement of expenditures by the Town Police Department to comply with recently adopted changes to the discovery laws in the State of New York, and

**WHEREAS**, the County of Rockland, pursuant to its Resolution No. 465 of 2021 has authorized the County Executive to execute an Intermunicipal Agreement to reimburse the Town of Orangetown in the amount of \$25,313.00 for expenses related to compliance with the Criminal Justice Discovery Act, for the period covering January 1, 2020 through March 31, 2021.

**WHEREAS**, Article 5-G of the General Municipal Law authorizes municipal governments to perform together that which each government is authorized to perform individually and requires that any inter- municipal agreement be approved by each participating municipal corporation by a majority vote of its governing body, and

**WHEREAS**, the Town Board finds and determines that such agreement and reimbursement for training is in the best interests of the good and welfare of the Town in the operations of its governmental functions,

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board hereby approves entering into the Inter- municipal Agreement between the Town of Orangetown and County of Rockland as set forth in the County's Resolution No 465 of 2021 with respect to the reimbursement of the sum of \$25,313.00 for reimbursement of expenses related to the Criminal Justice Discovery Act and grant related thereto, and authorizes the Supervisor to execute the aforesaid Inter-municipal Agreement and any and all documents necessary to effectuate same.



19. **APPOINT KENNETH GORDON / PARKING ENFORCEMENT AIDE (PT) / PROBATIONARY**

**RESOLVED**, upon the recommendation of the Chief of Police and Supervisor of Parking Enforcement, appoint Kenneth Gordon to the position of Parking Enforcement Aide (PT), probationary, from list #19148(OC) at a salary of \$20.00 per hour, for no more than 17.5 hours per week, effective October 27, 2021

20. **APPOINT JAMES BACH / ANIMAL CONTROL OFFICER**

**RESOLVED**, that upon the recommendation of the Chief of Police, JAMES H. BACH is hereby appointed to the position of Animal Control Officer II (PT), effective October 27, 2021, at an hourly rate of \$25.00.

**HIGHWAY / POLICE**

21. **APPROVE / LEND ASSISTANCE / ROCKLAND GAELIC ATHLETIC ASSOCIATION AISLING CENTER 25TH ANNUAL RUN/ WALK**

**RESOLVED**, the Superintendent of Highways and the Chief of Police have forwarded for approval by the Town Board, authorization for the Highway Department and Police Department to lend assistance which includes the use of cones and recycling kiosks from the Highway Department, and auxiliary police detail from the Police Department for the Rockland Gaelic Athletic Association Aisling Center 25th Annual Run/Walk, on Saturday, October 30, 2021.

**DEME**

22. **AWARD BID / PURCHASE OF (1) ONE 2021 CHEVROLET 2500 HD WORK TRUCK W/ PLOW / ROBERT GREEN TRUCK DIVISION**

**WHEREAS**, the Commissioner of D.E.M.E. duly advertised for sealed bids for (1) one 2021 Chevrolet 2500 Heavy Duty Work Truck with Plow (ITB-DEME-57-2021) which were publicly opened on January 21, 2021; and,

**NOW THEREFORE, BE IT RESOLVED**, this bid is hereby awarded to, Robert Green Truck Division, Rock Hill NY, the lowest bidder, for (1) one 2021 Chevrolet 2500 Heavy Duty Work Truck with Plow, in the amount of \$ 41,389.00, to be charged to Account G.8130.200 (Capital Fund. Sewage Treatment Plant).

## TOWN CLERK

### 23. 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: 9/8/21 & 9/24/21 Special Town Board Meeting; 9/14/21 Police Commission; and 9/14/21 & 9/28/21 Regular Town Board Meeting.
2. Agreement w/FEMA for use of the Clubhouse at the Orangetown Soccer Complex.
3. Agreement w/Rockland County, Reimbursement of Law Enforcement Overtime for Counterterrorism Training

## AUDIT

### 24. 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 two (2) warrants (attached) for a total of \$1,235,743.71.

## EXECUTIVE SESSION

### 25. 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

### 26. RE-ENTER RTBM / ADJOURNED / MEMORY

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

- ❖ **Michael J. Fury**, *Former Orangetown Deputy Town Attorney*
- ❖ **Cateno Mario Miano**, *Resident of Tappan and father of Orangetown Assistant Building Inspector Domenico Miano*