



TOWN OF ORANGETOWN TOWN BOARD MEETING

Tuesday March 22, 2022

This Town Board Meeting was opened at 7:00 PM.

Councilperson Thomas Diviny	_____
Councilperson Paul Valentine	_____
Councilperson Jerry Bottari	_____
Councilperson Brian Donohue	_____
Supervisor Teresa M. Kenny	_____

☼ Pledge of Allegiance to the Flag

ANNOUNCEMENTS:

- ◆ **Sparkill Commuter Parking Facility Project Presentation on April 12, 2022 at 7 pm at Town Hall.**
- ◆ **April 30, 2022 (Saturday) from 8 am - 11:30 am / Semi-Annual Paper Shredding Event and Non-Perishable Food Collection Event at the Orangetown Town Hall in the Parking Lot, hosted by Rosanna Sfraga, Town Clerk, Rockland Green and People to People.**
 - **Limit 3 Boxes**
 - **No plastic bags, binders or plastics**
 - **Please bring a non-perishable food item for donation to People to People**

PRESENTATIONS:

- ◆ **PROCLAMATIONS FOR NATIONAL CATHOLIC SISTERS WEEK / MARCH 8-14, 2022:**
 - **Sister Michaela Connolly, OP of the Sisters of Saint Dominic of Blauvelt, New York**
 - **Sister Mary Flood, OP of the Sisters of Saint Dominic of Blauvelt, New York**
 - **Sister Mary Murray, OP of the Dominican Sisters of Sparkill, New York**
 - **Sister Eileen Gannon, OP of the Dominican Sisters of Sparkill, New York**
- ◆ **Distinguished Service Recognition for Bruce Bond for his contributions to the Town of Orangetown**
- ◆ **Project Hope**
- ◆ **Proposed Gatto Lane Zone Change**

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. APPOINT / REAPPOINT ORANGETOWN SENIOR CITIZEN COMMITTEE / 2022 / 1- YEAR TERM

RESOLVED, that the following are hereby appointed / reappointed as Members of the Orangetown Senior Citizen Committee, for a 1-year term, commencing on January 1, 2022 and expires on December 31, 2022:

- ◆ Phyllis Moehrle, Senior Leader
- ◆ Catherine (Lovie) Albanese, Member, Past Senior Leader
- ◆ Evelyn D'Angelo, Member (Pearl River B Group)
- ◆ Louise Panzanella, Member (Nyack Group)
- ◆ Rosemary Doherty, Member (Pearl River A Group)
- ◆ Marge Olson, Member (Piermont Group)
- ◆ Tom Williger, Member (Tappan Group)
- ◆ Roxanne Memmolo, Member (Sparkill Group)
- ◆ Carmel Reilly, Clerk
- ◆ Liaison: Deputy Supervisor Denis Troy

4. **APPOINT / REAPPOINT / ORANGETOWN PARKS AND RECREATION DEVELOPMENT ADVISORY COMMITTEE / 2022 / 1-YEAR TERM**

RESOLVED, that the following are hereby appointed / reappointed as Members of the Orangetown Parks and Recreation Development Advisory Committee, for a 1-year term, commencing January 1, 2022 and expires on December 31, 2022:

- ◆ Anne Byrne
- ◆ Tara Heidger
- ◆ Michael Andrea
- ◆ Annmarie Uhl
- ◆ T. Paul Bailey
- ◆ Orli Eshkar
- ◆ Aric Gorton, Superintendent of Parks & Recreation
- ◆ Liaison: Councilman Brian Donohue

5. **ESTABLISH / INSTALL / WOUNDED COMBAT VETERAN PARKING SIGNS**

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, designate certain parking spaces (1 at Blue Hill Golf Course, 1 at Veterans Memorial Park & 1 at Town Hall) for use by Wounded Combat Veterans and install signs at each of the assigned locations.

6. **AUTHORIZE ACCEPTANCE OF BIDS / TOWN HALL ADDITION PROJECT**

WHEREAS, on November 9, 2021 pursuant to Town Board Resolution No. 460 of 2021 and in accordance with the requirements of New York General Municipal Law §101, *et seq.*, the Town Board authorized the Town Clerk to issue a Request for Bids for the Town Hall Addition Project (the "Project") based upon plans and specifications prepared for the Town by the Town's architect, Lothrop Associates, LLP ("Lothrop"), for the purpose of receiving bids to provide General/Civil Construction Work, HVAC Construction Work, Plumbing Construction Work, and Electrical Construction Work relating to the Project; and

WHEREAS, bid responses for each of the trades for the Project were received and thereafter opened publicly on January 28, 2022; and

WHEREAS, Lothrop has provided to the Town Board a bid tabulation chart, which is incorporated by reference herein, delineating the bid responses received for each trade, in order from highest to lowest; and

WHEREAS, APS Contracting, which was the lowest bid as the General Contractor formally sought to withdraw its bid within three (3) days of the bid opening in accordance with New York State General Municipal Law §103 (11) based upon a substantial mathematical error; and

WHEREAS, based upon the foregoing the lowest responsible bidder for each trade was determined to be as follows:

General Construction:	Vanas Construction Corp.	\$13,927,000.00
Plumbing/Fire Protection:	Joe Lombardo Plumbing and Heating	\$963,0000.00
HVAC:	S&L Plumbing and Heating Corp.	\$2,243,000.00
Electrical:	Fanshawe Inc. (Rockland Electric)	\$3,525,000.00

AND WHEREAS, pursuant to Town Board Resolution No. 2022-99 the Town Board authorized the issuance of a bond for the purpose of funding the Project and each of the trades relating to the Project.

NOW, THEREFORE, BE IT RESOLVED, that upon a review of the facts and circumstances presented and Lothrop's recommendation, the Town Board hereby authorizes and approves the withdrawal APS Contracting's bid pursuant to New York State General Municipal Law §103(11), based upon a substantial mathematical error; and

BE IT FURTHER RESOLVED, that to the extent that it is determined that the foregoing documents were not timely submitted with the bid response from Vanas Construction Corp.: (i) the Financial Statement as required by Section 5.1.1 of AIA Form A305; and (ii) the submission of a signed, but incomplete, Insurance Certification form that did not include the insurance company/brokerage information; the Town Board hereby finds the failure to timely submit such documents as inconsequential and hereby waives any non-compliance based on the submission of the Financial Statement and completed Insurance Certification form at a later date; and

BE IT FURTHER RESOLVED, that the Town Board hereby finds that the above referenced bids are the lowest responsible bidders for each trade for the Project; and

BE IT FURTHER RESOLVED, that effective as of March 28, 2022, the Town Board hereby authorizes the acceptance of each of the low bids for each trade as set forth above, subject to the terms and conditions of the bid documents, the execution of formal written contracts with each contractor, and submission of all required documents, including but not limited to, performance bonds and proof of insurance; and

BE IT FURTHER RESOLVED, that the Town Supervisor and/or her designee is authorized to execute the contracts and any other documents, upon final approval by the Town Attorney's office, and to take all other actions necessary to effectuate this implement the purpose of the resolution.

7. ACKNOWLEDGEMENT / NYACK JOINT FIRE DISTRICT / SOUTH NYACK PROPERTIES

WHEREAS, on December 4, 1997 at a duly authorized joint public hearing, pursuant to Section 11-A of the Town Law and Article 22-A of the Village Law, at a Joint Meeting of the Town Board of the Town of Orangetown, the Town Board of the Town of Clarkstown, the Village Board of Trustees of the Village of Nyack, the Village Board of Trustees of the Village of South Nyack and the Village Board of Trustees of the Village of Upper Nyack, established the Nyack Joint Fire District for the assumption of all responsibility for fire

protection within its boundaries, subject to permissive referendum, and commencing on January 1, 1999, by and under a five (5) person Board of Fire Commissioners; and

WHEREAS, the territory to be included within the Nyack Joint Fire District was established and delineated by a metes and bounds description as set forth in **Schedule "A"** attached hereto, and made a part hereof; and

WHEREAS, all the territory of the Nyack Joint Fire District is contiguous; and

WHEREAS, on December 4, 1997, at a duly authorized public hearing, and subject to permissive referendum, the Town Board of the Town of Orangetown dissolved the duly established fire protection district known as the "Upper Grandview Fire District" pursuant to (then) Town Law §189-c upon establishment of the Nyack Joint Fire District and to be effective January 1, 1999; (See, **Town of Orangetown Local Law #16 of 1997**, attached hereto and made a part hereof); and

WHEREAS, on December 17, 2020, a majority of the qualified voters of the Village of South Nyack voted to approve a referendum for dissolution of their local government, which dissolution will take effect as of March 31, 2022

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Orangetown acknowledges that as of March 31, 2022 the parcels located within the former Village of South Nyack, and also located wholly within the Town of Orangetown, and as contained in a list of parcels attached hereto as **Schedule "B"** (attached hereto and made a part hereof), remain located within the Nyack Joint Fire District boundaries.

8. **APPROVE AND AUTHORIZE ESTABLISHMENT OF SOUTH NYACK LEGACY ACCOUNT**

WHEREAS, the voters of the Village of South Nyack elected to dissolve the Village and the Village Board of the Village of South Nyack has adopted a plan for dissolution effective March 31, 2022 pursuant to General Municipal Law Article 17-A; and

WHEREAS, pursuant to the dissolution plan, to the extent the Village of South Nyack has bank accounts that remain open and have balances post dissolution, the Town must account for the appropriate transfer and allocation of any such remaining balances, including for the any transfers of money made by the Village to the Town at or prior to dissolution and,

WHEREAS, GML §790 dictates that the outstanding debts, liabilities and obligations of the dissolved local government shall be assumed by the town in which the dissolved entity was situated, and such liabilities shall be a charge upon the taxable property within the limits of the dissolved entity collected in the same manner as town taxes,

NOW THEREFORE BE IT RESOLVED, in anticipation of the dissolution of the Village of South Nyack as of March 31, 2022, the Town Finance Department is authorized to establish a separate bank account for the acceptance of any and all monies that the village may transfer to the Town at or prior to dissolution and any other monies post dissolution that may be credited to the former village's account, and for such account to be appropriately identified and administered as such in accordance with the relevant provisions of GML Article 17-A and along with the authorization of the Village Board, authorizes the Director of Finance and his designees to be a signatory on any remaining

South Nyack bank accounts that will remain open post dissolution for the purpose of administering same, and

BE IT FURTHER RESOLVED, that the Supervisor, Assessor, and Director of Finance are authorized to take appropriate actions as authorized pursuant to GML §790 with respect to any outstanding debts, liabilities and obligations of the former village.

TOWN ATTORNEY

9. ACCEPT, RECEIVE AND FILE / DRAINAGE EASEMENT / GARCIA 128 SUNSET ROAD BLAUVELT NY

WHEREAS, Arturo Garcia and Lauren Garcia are the owners and residents of the property located at 128 Sunset Road, Blauvelt, New York, tax lot 70.09/1/2, and

WHEREAS, 128 Sunset Road was part of a subdivision map known as “Lee-Ann Homes Subdivision” which was filed in the Rockland County Clerk’s Office on July 29, 1964 as Map No. 3256, and

WHEREAS, as shown more fully on Map 3256, there was and remains a drainage easement and the intention for a drainage easement in favor of the Town over several properties in the subdivision to stormwater runoff and said intention of an easement is shown on a survey of the 128 Sunset Road property known as Lot #12 dated April 9, 1965 based upon Map 3256, and

WHEREAS, a review of the Rockland County Clerk’s records indicate that a formal written easement agreement from the owner of the subject lot was never filed for the proposed drainage easement that crosses the 128 Sunset Road property,

NOW THEREFORE IT IS HEREBY RESOLVED, that based upon a review of the records and upon the recommendation of the Town Attorney’s Office, Commissioner of DEME and the Town Highway Superintendent, that the Town hereby accepts from Arturo Garcia and Lauren Garcia a drainage easement upon and across the property known as 128 Sunset Road, Blauvelt, New York and identified as tax lot number 70.09/1/2 and authorizes the Supervisor or her designee to execute any documents necessary to accept such easement and authorizes same to be recorded in the Rockland County Clerk’s Office.

10. APPROVAL OF 2022 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 2022 Sewer Work is approved to:

- ◆ Paving Solutions, Inc.; 548 Route 17M, Monroe, NY 10950, Tel: 845-782-1775

HIGHWAY

11. **APPROVE COMPRESSED TEN HOUR WEEK / EMPLOYEES OF THE ORANGETOWN HIGHWAY DEPARTMENT / APRIL 4, 2022 - OCTOBER 14, 2022**

RESOLVED, upon the recommendation from the Superintendent of Highways, that the Town Board hereby approve a change to the work week for the employees of OHD, from Monday thru Friday, 6:30 am – 3:00 pm, to Monday to Thursday / Tuesday to Friday, from 6:30 am – 4:30 pm. In accordance with Article 5, Section 5.2.2 of the Collective Bargaining Agreement, this compressed workweek schedule shall be in place starting on Monday, April 4, 2022, and concluding on Friday, October 14, 2022.

12. **ACCEPT WITH REGRET, THE RESIGNATION / RETIREMENT OF JAMES MICHAEL DILLON / HIGHWAY MAINTENANCE SUPERVISOR II / HIGHWAY DEPARTMENT / EFFECTIVE MARCH 31, 2022**

RESOLVED, that the Superintendent of Highways and the Town Board accepts with regret, the resignation/retirement of James Michael Dillon, Highway Maintenance Supervisor II, from the Highway Department, after 37 years, effective March 31, 2022.

POLICE

13. **APPOINT / DAMIEN FOGARTY / POLICE OFFICER / PERMANENT / EFFECTIVE MARCH 23, 2022**

RESOLVED, upon the recommendation of the Chief of Police, Damien Fogarty is hereby appointed to the position of Police Officer/Permanent, from the Rockland County Department of Personnel Civil Service List # (OC) 21033/67-540, effective March 23, 2022, at a salary that is consistent with the terms of the labor agreement between the Town of Orangetown and Orangetown PBA.

HIGHWAY / POLICE

14. **APPROVE/ LEND ASSISTANCE/ 2022 COMMEMORATION OF THE 80TH ANNIVERSARY OF THE BATAAN DEATH MARCH / SATURDAY, APRIL 9, 2022**

RESOLVED, that the Superintendent of Highways and Chief of Police have forwarded for approval by the Town Board use of trash receptacles, cones and barricades from the Highway Department and police detail from OPD for the Phillippine-American Cultural Foundation Commemoration of the 80th Anniversary of the Bataan Death March, Saturday, April 9, 2022.

15. **APPROVE/ LEND ASSISTANCE / 2022 PEARL RIVER MEMORIAL DAY PARADE**

RESOLVED, that upon the recommendation of the Superintendent of Highways and the Chief of Police, that the Town Board hereby authorizes the above departments to lend assistance which includes the use of barricades, from the Highway Department and bagging of the parking meters, and auxiliary police detail from the Police Department, for the Pearl River Memorial Day Parade to be held on Monday, May 30, 2022 from 9:45 am - 11:45 am.

16. APPROVE/ LEND ASSISTANCE / 2022 TAPPAN MEMORIAL DAY PARADE

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 (20) barricades & (2) message boards from the Highway Department and (4) Auxiliary Police Officers from OPD, for the Tappan Memorial Day Parade, to be held on Monday, May 30th, 2022, from 10am – 2 pm.

17. APPROVE/ LEND ASSISTANCE / 2022 ACS RELAY FOR LIFE

RESOLVED, upon the recommendation from the Superintendent of Highways, and Chief of Police, that the Town Board hereby authorizes these departments to lend assistance which includes the use of barricades, verticades, cones, trash barrels, caution tape, message board & recycling kiosks from the Highway Dept., and posting of handicap signs and no parking signs from OPD, for the ACS Relay for Life to be held on Saturday, June 11, 2022 from 10am to 12 am.

PARKS & RECREATION

18. APPOINT / SEAN HAYES / GROUNDWORKER / GRADE 9 / EFFECTIVE APRIL 4, 2022

RESOLVED, that upon recommendation of the Superintendent of Park and Recreation appoint Sean Hayes (transfer from the Highway Department) to the Department of Park and Recreation to the position of Groundworker, Grade 9, Probationary, effective April 4, 2022.

19. AWARD BID / GOLF CART LEASE / BLUE HILL & BROADACRES GOLF COURSE / CLUB CAR

RESOLVED, that upon the recommendation of the Superintendent of Parks and Recreation, award the bid for the lease of golf carts for Blue Hill Golf Course and Broadacres Golf Course to Club Car from Brookfield, CT in the amount of \$156,755.52.

BUILDING

20. APPOINT / KENNETH LOUDEN / ASSISTANT BUILDING INSPECTOR / EFFECTIVE DATE MARCH 28, 2022

RESOLVED, upon the recommendation of the Director of OBZPAE, Kenneth Loudon is hereby appointed to the position of Assistant Building Inspector, Provisional, subject to passing the Civil Service Examination to be issued by the Rockland County Department of Personnel, Grade 15, Step 1, at a salary of \$71,432, effective March 28, 2022.

TRAFFIC ADVISORY BOARD

21. SET PUBLIC HEARING / APRIL 12, 2022, 7:10 PM / PROPOSED AMENDMENT TO CHAPTER 39, ARTICLE I, SECTION 39-6, PROHIBITION OF PARKING ON DESIGNATED HIGHWAYS, OF THE TOWN CODE

RESOLVED that the Town Board will hold a public hearing on April 12, 2022, at 7:10 p.m., on a proposed Local Law Amending Chapter 39, Vehicles and Traffic, Article I, Vehicle and Traffic Regulations, Section 39 -6 Prohibition of parking on designated highways in the Hamlet of Pearl River, with respect to restricting parking on North Middletown Road between East Central Avenue and Brightwood Avenue in the Town of Orangetown.

AUDIT

22. 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 \$1,566,894.24.

EXECUTIVE SESSION

23. ENTER EXECUTIVE SESSION

RESOLVED, at _____ pm, the Town Board entered Executive Session to discuss proposed, pending or current litigation and the proposed acquisition/sale/lease of real property when publicity might affect value.

ADJOURNMENTS

24. RE-ENTER RTBM / ADJOURNED / MEMORY

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

- ❖ **Thomas Butterworth**, *Retired NYPD and Brother of Orangetown Chief of Police, Donald Butterworth*
- ❖ **Kevin A. Nulty**, *Orangetown Chief of Police from 1997-2019*