



**TOWN OF ORANGETOWN TOWN BOARD MEETING**

**Tuesday April 26, 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:**

- ◆ **The following Public Hearings will be held on May 24, 2022:**
  - Amend Chapter 43 in the Town Code to address zoning in the Hamlet of South Nyack
  - Proposed zone change for Gatto Lane in the Hamlet of Pearl River
- ◆ **Orangetown Comprehensive Plan Public Workshop #3 / Thursday, April 28, 2022 at 7 pm in the New Courtroom**
- ◆ **Free Paper Shredding Event at the Orangetown Town Hall held by the Town Clerk's Office / Saturday, April 30, 2022 from 8 am – 11:30 am / Please bring a non-perishable food item for donation to local food pantries**
- ◆ **Hunger's 5K Heroes Run / Saturday, May 14, 2022 at 10 am / To benefit Orangetown food pantries / Visit [www.orangetown.com](http://www.orangetown.com) to register**
- ◆ **Upcoming Presentation / June 14, 2022 Town Board Meeting / Depot Square Apartments and adaptive re-use of former Chase Bank in the Sparkill Overlay District**

**PRESENTATIONS:**

- ◆ **Proclamation for National Poetry Month - Rose Marie Raccioppi. \_\_\_\_\_ to read Rose Marie's poem entitled, "*With Poet's Pen*"**
- ◆ **Certificates of Meritorious Service honoring:**
  - ★ **Christian Florencia, Tappan Zee Student**
  - ★ **Matt Irizarry, Tappan Zee Student**
  - ★ **Jessica Lappe, Tappan Zee Athletic Trainer**
  - ★ **Jimmy Sanchez, FDNY Lieutenant**

**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. **AUTHORIZE LOTHROP ASSOCIATES TO PREPARE DEMOLITION PLANS / EXISTING TOWN HALL**

**WHEREAS**, pursuant to Town Board Resolution No. 743 of 2018, the Town Board authorized the Town Clerk to issue a Request for Proposal (RFP) for Architectural Engineering and Space Planning Services, for the purpose of receiving bids to provide design plans and consultation for a proposed Town Hall, subject to final approval of appropriate Town department heads, and

**WHEREAS**, such services are for professional services and not subject to the competitive bidding requirements of NY General Municipal Law §103 and

**WHEREAS**, on July 9, 2019, via Town Board Resolution 2019-346 the Town Board accepted a proposal from Lothrop Associates to provide Architectural, Engineering and Space Planning Services, and

**WHEREAS**, Lothrop Associates has been working with the Town on the plans for the new Town Hall and the Town has determined that c additional services are needed to prepare demolition plans of the existing Town Hall Building, and

**WHEREAS**, Lothrop Associates, which has provided extensive services including but not limited to plans, drawings, and administrative services related to the construction bid process with respect to the New Town Hall addition, which incorporates the demolition of portions of the existing Town Hall,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby accepts a proposal from Lotrhrop Associates to provide additional services to the Town as part of the new Town Hall project, specifically the proposal to provide architectural and engineering services to prepare plans, bidding and construction phase services for the demolition of portions of the existing Town Hall, in the amount of \$79,727.50, and

**BE IT FURTHER RESOLVED**, that the Supervisor and/or her designee is authorized to execute the agreement as necessary to effectuate this resolution, upon approval by the Town Attorney's Office.

**4. REAPPOINT / KAREN JAHNES / CLERK TO THE SANITATION COMMISSION / 2022 / ONE-YEAR TERM**

**RESOLVED**, that KAREN JAHNES is hereby reappointed Clerk to the Sanitation Commission for a term of one-year, commencing January 1, 2022 and expiring on December 31, 2022.

**5. APPROVE SETTLEMENT AGREEMENT / EMPLOYEE PERSONNEL MATTER**

(To Be Provided)

**TOWN ATTORNEY**

**6. AUTHORIZE TOWN ATTORNEY TO INSTITUTE ACTION IN INDEMNIFICATION AND CONTRIBUTION AS AGAINST ROCKLAND COUNTY / ROCKLAND SHERIFF'S OFFICE / JEAN V. ORANGETOWN / ROCKLAND SUPREME INDEX NO. 033456/2016**

**BE IT RESOLVED** that the Town Board authorizes the Town Attorney's Office, as part of the defense of the matter known as Phadia Jean v. Town of Orangetown, et. al. Rockland County Index No. 033456/2016, to institute an action against the County of Rockland, County of Rockland Sheriff's Office and individual employees thereof, for certain relief including but not limited to indemnification and contribution.

**HIGHWAY**

**7. APPROVE / PUBLIC TRANSPORTATION MODERNIZATION PROJECT PIN 8TRN73 / ORANGETOWN COMMUTER PARK & RIDE FACILITY / SPARKILL, NY**

**WHEREAS**, a Project to construct an Orangetown Commuter Park & Ride Facility in the hamlet of Sparkill, NY, in the Town of Orangetown, Rockland County, PIN 8TRM73 (the "Project") is eligible for 100% funding under the New York State Department of Transportation Public Transportation Modernization and Enhancement Program (MEP) Funding; and

**WHEREAS**, the .63 acre facility, located at 650 Route 340 in Sparkill, NY, owned by the American Legion, John M. Perry Post #1044, shall require a lease to the Town for a minimum of 20 years, the useful life of the parking facility, and

**WHEREAS**, funds for this project have been approved in the Rockland County Capital Project Funds, #18832 and funds for this project have been approved in the State TIP under PIN 8TRM73, and

**WHEREAS**, the Town of Orangetown desires to advance the Project, by making a commitment of 100% of the costs of construction and construction inspection and Rockland County shall reimburse the Town for 100% of construction and construction inspection, up to \$969,000, and

**WHEREAS**, a public information briefing for the Project was held on May 5, 2021, and

**WHEREAS**, the purpose of the briefing was to obtain comments on the project from individuals, groups, officials and local agencies, and

**WHEREAS**, the project design and plans may be accessed and reviewed in-person at the Orangetown Highway Department at 119 Route 303, Orangeburg, NY 10962 and are also accessible via the Town of Orangetown Highway Department website,

**NOW, THEREFORE**, the Town of Orangetown Board, duly convened does hereby **RESOLVE**, that the Town of Orangetown Board hereby approves the above-subject project; and it is hereby further

**RESOLVED**, the Town shall enter into a lease agreement with the American Legion, John M. Perry Post #1044 for a minimum of 20 years, the useful life of the parking facility, a .63 acre facility, to be located at 650 Route 340 in Sparkill, NY, and it is further

**RESOLVED**, that the Town of Orangetown Board hereby authorizes the Town of Orangetown to pay in the first instance 100% of the federal and non-federal share of the cost of construction and construction inspection work for the Project or portions thereof; and, it is further

**RESOLVED**, that the sum of \$969,000 is hereby appropriated to [TOWN ACCT # H.XXXX.XXX.XX] and made available to cover the cost of participation in the above phase of the Project; and

**RESOLVED**, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Orangetown Town board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Orangetown Town Supervisor thereof, and it is further

**RESOLVED**, that the Supervisor of the Town of Orangetown be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for State Aid on behalf of the Town of Orangetown with the New York State Department of Transportation in connection with the advancement or approval of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of state-aid eligible Project costs and all Project cost within appropriations, therefore that are not so eligible, and it is further

**RESOLVED**, that in addition to the Town Supervisor the following municipal titles: Highway Superintendent, Town Engineer, Town Finance Director, are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYS DOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

**RESOLVED**, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

**RESOLVED**, this Resolution shall take effect immediately.

## **PARKS AND RECREATION**

8. **\*\*PLACEHOLDER\*\* APPROVE FLEXIBLE WORK SCHEDULE / BUILDING MAINTENANCE MECHANIC / APRIL 18 - OCTOBER 14, 2022**

**RESOLVED**, that upon the recommendation of the Superintendent of Parks and Recreation, the Town Board hereby approves a change to the basic work week for the Building Maintenance Mechanic from Monday to Friday from 6:30 am to 3 pm, to a four day work week (Monday to Thursday), 6:30 am to 4:30 pm. This flexible work schedule shall be in place from Monday June 14, 2021 though Friday, October 15, 2021. In accordance with Section 5.1.2 of the Collective Bargaining Agreement, the Town Board has the sole responsibility for establishing flexible work hour schedules.

## **POLICE**

9. **ACCEPT RESIGNATION / RETIREMENT LT. DAVID MELLIN/ POLICE DEPARTMENT / EFFECTIVE APRIL 26, 2022**

**RESOLVED**, that upon the recommendation of the Chief of Police, accept with regret, the resignation/retirement of Lt. David Mellin from the Orangetown Police Department effective April 26, 2022.

10. **ACCEPT RESIGNATION / RETIREMENT POLICE OFFICER THOMAS WANAMAKER / EFFECTIVE APRIL 28, 2022**

**RESOLVED**, that upon the recommendation of the Chief of Police, accept with regret, the resignation/retirement of Police Officer Thomas Wanamaker, from the Orangetown Police Department effective April 28, 2022.

11. **PROMOTE DANIEL WILSON / POLICE LIEUTENANT/ POLICE DEPARTMENT / EFFECTIVE APRIL 27, 2022**

**RESOLVED**, that upon the recommendation of the Chief of Police, promote Daniel Wilson from Rockland County Preferred Eligible List # 1179, to the position of Police Lieutenant, permanent, Town of Orangetown, effective April 27, 2022, at a salary as negotiated in the PBA contract.

12. **NOMINATE / KURT NIEMEYER / POLICE OFFICER / RESIDENT TOWN OF ORANGETOWN**

**RESOLVED**, upon the recommendation of the Chief of Police, Kurt Niemeyer, from Rockland County Department of Civil Service nomination list # 21033/67-540, is hereby nominated to position of Police Officer/ Resident Town of Orangetown – full- time”, pending completion of the Rockland County Department of Personnel certification process and a satisfactory background investigation.

13. **NOMINATE / JOSEPH DAVIN / POLICE OFFICER / RESIDENT TOWN OF ORANGETOWN**

**RESOLVED**, upon the recommendation of the Chief of Police, Joseph Davin, from Rockland County Department of Civil Service nomination list # 21033/67-540, is hereby nominated to position of Police Officer/ Resident Town of Orangetown – full- time”, pending completion of the Rockland County Department of Personnel certification process and a satisfactory background investigation.

14. **NOMINATE / ANDREW TUERS / POLICE OFFICER / RESIDENT TOWN OF ORANGETOWN**

**RESOLVED**, upon the recommendation of the Chief of Police, Andrew Tuers, from Rockland County Department of Civil Service nomination list # 21033/67-540, is hereby nominated to position of Police Officer/ Resident Town of Orangetown – full- time”, pending completion of the Rockland County Department of Personnel certification process and a satisfactory background investigation.

15. **APPROVE / PAY RATE / SCHOOL CROSSING GUARDS**

**RESOLVED**, that the pay rate for school crossing guards, hired by the Orangetown Police Department be paid at the rate outlined in the attached chart effective May 9, 2022.

**CROSSING GUARD PAY RATE CHART**

**New hires and substitute crossing guards:**

\$20/hour

**Permanent crossing guards:**

Start of 4th school year \$21/hour

Start of 8th school year \$22/hour

Start of 12th school year \$23/hour

Start of 16th school year \$24/hour

Start of 20th school year \$25/hour

16. **GRANT PERMISSION/ ONE POLICE OFFICER/ ATTEND THE NEW YORK STATE TACTICAL OFFICER'S ASSOCIATION (NYTOA) TRAINING CONFERENCE IN VERONA, NEW YORK**

**RESOLVED**, that upon the recommendation of the Chief of Police, approve one officer to attend the New York State Tactical Officer's Association (NYTOA) Training Conference in Verona, NY April 25 - April 29, 2022 at a combined cost of \$313.02 for lodging, travel and meals to be charged to the Police Department's school and conferences account (B.3120.441.16)

17. **GRANT PERMISSION/ THREE POLICE OFFICERS ATTEND THE NEW MEXICO TECH ENERGETIC MATERIALS RESEARCH AND TESTING CENTER TRAINING COURSE ON PREVENTION OF AND RESPONSE TO SUICIDE BOMBING INCIDENTS (PRSBI) IN SOCORRO, NEW MEXICO**

**RESOLVED.** that upon the recommendation of the Chief of Police, approve three Orangetown police officers to attend the New Mexico Tech Energetic Materials research and Testing Center training course on Prevention of and Response to Suicide Bombing Incidents (PRSBI) in Socorro, New Mexico from May 15 - May 20, 2022 at a combined cost of \$10,740.00 for lodging, travel, tuition and meals of which up to a 100% may be reimbursed by the Department of Homeland Security (DHS) to be charged to the Orangetown Police Department's school and conferences account (B.3120.441.16)

**TRAFFIC ADVISORY BOARD**

18. **APPROVE / INSTALLATION OF STREET LIGHT / INTERSECTION OF DENNIS MCHUGH COURT AND WASHINGTON STREET IN TAPPAN**

**RESOLVED,** the upon the recommendation of the Traffic Advisory Board, the installation of a street light at the intersection of Dennis McHugh Court and Washington Street in Tappan (Utility Pole# 60998/37328) is hereby approved to be paid from the following budget line item B.5182.452.17.

**BUILDING**

19. **APPOINT / KENNETH GORDON / ASSISTANT FIRE SAFETY INSPECTOR / EFFECTIVE DATE APRIL 27, 2022**

**RESOLVED,** upon the recommendation of the Director of OBZPAE, KENNETH GORDON, is hereby appointed to the position of Assistant Fire Safety Inspector, probationary, Grade 15, Step 1, at a salary of \$71,432.00, effective April 27, 2022.

20. **APPROVE FLEXIBLE WORK SCHEDULE / OBZPAE / MAY 9 - OCTOBER 9, 2022**

**RESOLVED,** upon the recommendation of the Director of OBZPAE, the Town Board hereby approves a change to the basic work week for the employees of OBZPAE, from Monday to Friday, 8 am to 4 pm, to a four day work week (Monday to Thursday/Tuesday to Friday), 7:30 am to 5:15 pm. This flexible work schedule shall be in place from Monday, May 9, 2022 to Sunday, October 9, 2022. In accordance with Section 5.1.2 of the Collective Bargaining Agreement, the Town Board has the sole responsibility for establishing flexible hour schedules.

**AUDIT**

21. **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 three (3) warrants (attached) for a total of **\$2,061,537.99.**

## **EXECUTIVE SESSION**

### **22. 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**

### **23. RE-ENTER RTBM / ADJOURNED / MEMORY**

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